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# NEW YORK STATE **REGISTER**

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**INSIDE THIS ISSUE:**

- Maintenance Reimbursement for Residential CSE Programs When a Student has been Absent from the Program for More Than 15 Days
- Confirmatory COVID-19 and Influenza Testing
- Appointment of Employees' Eligibility

**Executive Orders**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

***For notices published in this issue:***

- the 60-day period expires on November 15, 2020
- the 45-day period expires on October 31, 2020
- the 30-day period expires on October 16, 2020

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* ([www.dos.ny.gov](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission  
State Capitol  
Albany, NY 12247  
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

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Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website ([www.dos.ny.gov](http://www.dos.ny.gov))

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# RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM      -the abbreviation to identify the adopting agency  
01        -the *State Register* issue number  
96        -the year  
00001    -the Department of State number, assigned upon receipt of notice.  
E        -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

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## Office of Children and Family Services

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### EMERGENCY RULE MAKING

#### To Implement and Enforce Emergency Health Guidance As Put Forward by the Executive Chamber and DOH

**I.D. No.** CFS-24-20-00014-E

**Filing No.** 505

**Filing Date:** 2020-08-28

**Effective Date:** 2020-08-28

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 414.15, 415.12, 416.15, 417.15, 418-1.15 and 418-2.15 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), (2)(d), (2-a) and 410-x(3)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** This emergency rule is necessary due to the COVID-19 public health emergency in the State of New York. On March 7, 2020 Governor Cuomo declared a disaster emergency based on the travel related and community transmission of COVID-19. This emergency is necessary to clarify for the field the priority of complying with public health guidance for the care of young children in child care programs. The regulation is designed to support the enforcement of additional guidance of any future health emergencies. To do so this emergency rule changes Title 18 of the Official Compilation of

Codes, Rules and Regulations of the State of New York Parts 413, 414, 415, 416 and 417, and Subparts 418-1 and 418-2.

**Subject:** To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.

**Purpose:** To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.

**Text of emergency rule:** OCFS Division of Child Care Services

Regulations for Legally Exempt, Licensed or Registered Child Care Programs

Parts 414, 415, 416, and 417 and Subparts 418-1 and 418-2 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are hereby amended to read as follow:

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 414.15 is added to read as follows:

(iii) *Each school age child care program must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (i) of paragraph (1) of subdivision (a) of section 415.12 is added to read as follows:

(i) *An eligible provider must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 416.15 is added to read as follows:

(iii) *Each group family day care home must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 417.15 is added to read as follows:

(iii) *Each family day care home must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 418-1.15 is added to read as follows:

(iii) *Each child day care center must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.*

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 418-2.15 is added to read as follows:

(iii) *Each small day care center must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the*



*Department of Health shall supersede regulations of the Office in the case of any conflict.*

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CFS-24-20-00014-EP, Issue of June 17, 2020. The emergency rule will expire October 26, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Frank J Nuara, Associate Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (914) 589-3096, email: regcomments@ocfs.ny.gov

#### **Regulatory Impact Statement**

##### **(1) Statutory Authority**

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the New York State Office of Children and Family Services (Office) to establish rules, regulations and policies to carry out the Office's powers and duties under the SSL.

Section 390(2)(d) of the SSL authorizes the Office to establish regulations for the licensure and registration of child day care providers.

Section 390(2-a) of the SSL requires the Office to establish minimum quality program requirements for child day care.

Section 410-x(3) of the SSL requires the Office establish minimum health and safety requirements for providers providing child care funded by the child care block grant that are not licensed or registered by the Office.

##### **(2) Legislative Objectives**

The proposed changes to the child care regulations are necessary to implement and enforce emergency health guidance as put forward by the New York State Executive Chamber and the New York State Department of Health in order to keep children safe in care during the pandemic.

##### **(3) Needs and Benefits**

These changes are necessary to implement and enforce Executive Chamber and Department of Health guidance regarding the safe operation of child care programs in light of the COVID-19 public health emergency.

New York has had over 25,000 deaths from COVID-19, and the emerging pediatric multi-system inflammatory syndrome has made the need to adapt child care programs to meet the most up-to-date public health guidance clear.

In addition, the regulation is written to be nimble so that as further guidance is introduced or adopted, the new most up-to-date guidance will go into effect in child care programs across the State. The proposed changes will improve the safety of children in child care programs during the COVID-19 public health emergency.

##### **(4) Costs**

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

##### **(5) Local Government Mandates**

No new mandates are imposed on local governments by these proposed regulations.

##### **(6) Paperwork**

The change in paperwork associated with the proposed changes in the child care regulations are anticipated to be minimal.

##### **(7) Duplication**

The new regulations do not duplicate state or federal requirements.

##### **(8) Alternatives**

The regulation is necessary to allow enforcement action against providers who violate the standards in place during a health crisis. No alternative to regulatory or statutory change would be sufficient to provide such authority.

##### **(9) Federal Standards**

The regulations are consistent with applicable federal requirements.

##### **(10) Compliance Schedule**

The proposed regulations will become effective upon filing.

#### **Regulatory Flexibility Analysis**

##### **(1) Effect on Small Businesses and Local Governments**

There are 16,200 small day care businesses in New York State that are comprised of day care centers, school age child care programs, family and group family day care homes, and one small day care center. In addition, there are nearly 21,000 legally exempt providers providing care to at least one subsidy eligible child. All of these programs will be affected by the regulatory changes proposed. Local government agencies will not be affected by the changes in these proposed regulations.

##### **(2) Compliance Requirements**

This rule is in response to the COVID-19 public health emergency in the State of New York. This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 413, 414, 415, 416, and 417 and Subparts 418-1 and 418-2 to require programs to comply with any

public health guidance promulgated by the Department of Health or the Executive Chamber during a declared public health emergency.

##### **(3) Professional Services**

Day care centers, school aged child care centers, legally exempt providers, family-based child care programs and small day care centers will not be required to use or employ any additional professional services as a result of these proposed changes.

##### **(4) Compliance Costs**

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

##### **(5) Economic and Technological Feasibility**

There are no technological impacts on child care programs.

##### **(6) Minimizing Adverse Impact**

The Office believes the impact on child care programs will be balanced by the overall increase in health and safety by complying with the most up-to-date public health guidance.

##### **(7) Small Business and Local Government Participation**

The Office has held weekly stakeholder calls since mid-March to go over the response to the COVID-19 crisis. Small businesses are represented on the calls, through the union and Child Care Resource and Referral Agencies. Stakeholders have been nearly unanimous in asking for clear guidance from the Office.

#### **Rural Area Flexibility Analysis**

##### **(1) Types and Estimated Numbers of Rural Areas**

The proposed regulations will apply to all modalities of child care programs operating in 44 rural areas of the state.

##### **(2) Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services**

The changes to the child care regulations are necessary to implement emergency health guidance promulgated by the Department of Health.

The change in paperwork associated with the proposed changes in the child care regulations are anticipated to be minimal.

##### **(3) Costs**

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

##### **(4) Minimizing Adverse Impact**

The Office does not anticipate any adverse impact to rural area child care programs as a result of the proposed regulations.

##### **(5) Rural Area Participation**

The Office has held weekly stakeholder calls since mid-March to go over the response to the COVID-19 crisis. Rural areas are represented on the calls, through the union and Child Care Resource and Referral Agencies. Many significant areas of the guidance including the requirement to wear masks and the group size have been discussed on the stakeholder calls. Stakeholders have been nearly unanimous in asking for clear guidance from the Office.

#### **Job Impact Statement**

##### **1. Nature of Impact**

The proposed regulations could impact jobs or employment opportunities for child care program employees or caregivers in all regions of New York State. The new regulation requires programs and providers to comply with any directive from the Department of Health and the Executive Chamber during a designated public health emergency. There may be an impact on providers, but it would be temporary in nature for the extent of the emergency. For example, in compliance with guidelines, programs may reduce capacity for children in care to comply with smaller group requirements, which could reduce employment opportunities. However, the group size would revert to established regulations when the emergency ends.

##### **2. Categories and Numbers Affected**

It is anticipated that there is licensed and registered capacity for 800,000 children, in 16,200 licensed and registered programs. In addition, there are nearly 21,000 legally exempt providers providing care to at least one subsidy eligible child (around 51,000 children are served by legally exempt providers).

##### **3. Regions of Adverse Impact**

Potential impact would be across all regions. There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

##### **4. Minimizing Adverse Impact**

The Office will attempt to minimize adverse impact by providing technical assistance to providers regarding the new emergency health guidance materials.

#### **Assessment of Public Comment**

The agency received no public comment.



## EMERGENCY RULE MAKING

### Maintenance Reimbursement for Residential CSE Programs When a Student has been Absent from the Program for More Than 15 Days

**I.D. No.** CFS-37-20-00001-E

**Filing No.** 502

**Filing Date:** 2020-08-26

**Effective Date:** 2020-08-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of Part 628 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20, 34 and 153

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The Office of Children and Family Services (OCFS) finds that immediate emergency adoption of these regulations is necessary to protect the general welfare of children that are determined to be in need of highly specialized educational residential services by local school districts' Committee on Special Education (CSE), due to the intensity of their mental health, developmental or behavioral health needs. The purpose of this rule is to remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days, in recognition that widespread, unanticipated absences in excess of 15 days have occurred in residential CSE programs as a result of COVID-19 and the state of emergency declared in relation to the pandemic within New York.

Specifically, this rule would authorize reimbursement for residential CSE maintenance where there has been an absence in excess of 15 days and such absence was directly related to a state of emergency and determined by the local department of social services to be necessary for the health and safety of a child. Residential CSE providers receive tuition and maintenance reimbursement for the cost of the special education programs. The maintenance reimbursement attendant to the residential component of CSE placement are regulated by the Office and are made on a per-diem basis for the present year's care days but are reflective of the prior year's operating costs of the programs.

Sufficient capacity at residential CSE programs is crucial to maintain the availability of these placements for children who are determined by a CSE to need these services to receive a free and appropriate public education. This rule is required on an expedited basis to preserve the availability of residential CSE placements and to remove existing regulatory barriers to receiving reimbursement that the programs may rely on to continue to operate, as a result of an absence resulting from a state of emergency where the absence was necessary for the health and safety of a particular child.

**Subject:** Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.

**Purpose:** Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.

**Text of emergency rule:** Paragraph (4) of subdivision (a) of section 628.3 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(4) Reimbursement of expenditures for care of a child in either direct or indirect care shall not include per diem costs of absences, except as follows:

- (i) all weekend visits;
- (ii) all school and religious holidays;
- (iii) vacation--up to 15 days per calendar year, excluding weekend visits;
- (iv) all organized school trips;
- (v) detention--up to seven consecutive days;
- (vi) running away--up to seven consecutive days;
- (vii) home on trial--up to seven consecutive days;
- (viii) absences due to hospitalization--up to 15 days per calendar year, except that in cases in which a child is diagnosed as having acquired immune deficiency syndrome (AIDS) or AIDS related complex (ARC) or has tested positive for human immune deficiency virus (HIV) or any infection with the probable causative agent of AIDS, the maximum number of absences per each episode of hospitalization for which reimbursement shall be available is as follows:

- (a) up to 30 days of absence for children residing in a group

home, group residence, agency boarding home, institution or approved residential school for the handicapped prior to the hospitalization; and

(b) up to 60 days of absence for children residing in a foster family boarding home prior to the hospitalization. Reimbursement in such cases shall include both administrative expenses and the pass-through payment to the foster parent;

(ix) visits to potential foster or adoptive parents--up to seven consecutive days per visit; [and]

(x) respite care and service provided pursuant to Part 435 of this Title[.]; and

(xi) in relation to absence of a child with a disability placed by a school district pursuant to section forty-four hundred five of the Education Law, where such absence was after April 1, 2020, and directly resulting from an emergency where a declaration of emergency has been issued by the state or federal government, and such absence is necessary for the health and safety of any child, as determined by the relevant local department of social services.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires November 23, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Frank J Nuara, Associate Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (914) 589-3096, email: regcomments@ocfs.ny.gov

#### Regulatory Impact Statement

##### 1. Statutory authority:

The Office of Children and Family Services (OCFS) has the authority to regulate rates for residential placements of children through Social Services Law section 153. The regulatory change adds a limited additional consideration for when an absence from such residential placement would be reimbursable by the local department of social services (LDSS) and the applicable school district.

##### 2. Legislative objectives:

The legislative objectives in enacting Social Services Law section 153 was to establish requirements to govern appropriate claiming, reimbursements, advances and disallowances of specified expenditures by LDSSs, including, among other things, maintenance costs for residential Committee on Special Education (CSE) placements.

##### 3. Needs and benefits:

The purpose of this rule is to amend a specific provision in regulation that has created an impediment for non-profit providers that provide residential educational programs for children with disabilities in seeking reimbursement from LDSSs and school districts for services provided to these children throughout the pandemic. These children are determined to be in need of these highly specialized educational residential services due to the intensity of their mental health, developmental or behavioral health needs by local school districts' CSEs.

When the Governor issued the state of emergency in March, several parents made the decision to take their child home out of fear of them contracting the virus in the residential education setting. The majority of the not for profits continued providing remote services to the children and their families understanding that the children would be returning to their campuses when safe to do so. Due to OCFS's regulation limiting absences to 15 days, providers have been unsuccessful in their attempts to seek reimbursement resulting in an estimated \$12M loss that continues to accrue, according to data provided by the Council of Family and Child Caring Agencies (COFCCA).

Payment for these residential educational placements are made by the LDSS in the first instance and then the applicable local school district reimburses the LDSS a portion of these costs (approximately 47%). Because OCFS is not a party to the reimbursement, but rather merely the agency that sets and approves the reimbursement rate, OCFS proposes to amend the regulation such that a reimbursement for residential placement during this state of emergency may be authorized, but is not expressly mandated. The proposal would remove the barrier created by the previously narrow set of exceptions and allow the programs to seek reimbursement.

##### 4. Costs:

This rule would not mandate any new costs or payments on the State, local governments, OCFS or regulated entities, but instead would remove barriers that would preclude payment for absences that have resulted from COVID-19 where failure to make these payments may result in an unanticipated savings for a LDSS or a local school district.

##### 5. Local government mandates:

This change enacts no new mandates on local governments. Instead, this regulatory package will allow flexibility for the LDSS when faced with a state of emergency.

##### 6. Paperwork:

It is anticipated that this rule, would at most, result in minimal new paperwork related to claiming requirements, if at all.

## 7. Duplication:

No duplication of requirements is associated with this rule.

## 8. Alternatives:

The possibility of not adopting any regulatory change was considered. In light of COVID-19, OCFS determined to pursue this path as the existing regulatory language was inflexible and has precluded any maintenance reimbursement for residential CSE placements where the absence exceeded 15 days, creating unique and unforeseeable fiscal challenges for residential CSE providers.

## 9. Federal standards:

This rule provides for appropriate care and services for children with special needs. This is not in excess of any federal standard.

## 10. Compliance schedule:

As this rule provides flexibility to existing regulatory requirements, compliance and applicability of the rule is determined by the LDSS on a case by case, as needed, basis.

**Regulatory Flexibility Analysis**

## 1. Effect of rule:

This rule will provide flexibility that would allow for the absence of children with disabilities from residential programs during a state of emergency when such absence is in the best interests of the children and approved by the local department of social services.

The local government entities that are impacted are local departments of social services (LDSSs). There are 58 LDSSs in New York State. The small business that may be impacted are the non-profit programs that provide residential committee on special education (CSE) placements in New York State. It is estimated that there are seven residential CSE programs in the state that are small businesses.

The impact this rule will have on these entities is positive as the rule provides flexibility to extend the option to seek reimbursement for absences in the event of a national or state declaration of emergency.

## 2. Compliance requirements:

It is anticipated that there would be minimal record keeping or reporting associated with this rule.

## 3. Professional services:

There are no new professional services anticipated to be required as a result of this rule.

## 4. Compliance costs:

There are no new anticipated compliance costs associated with this rule.

## 5. Economic and technological feasibility:

There are no economic or technological issues with implementation rule.

## 6. Minimizing adverse impact:

This rule has been written to minimize adverse economic impacts on LDSSs and local school districts. Specifically, the rule removes a barrier to reimbursement for certain expenditures but does not mandate payment. Any payment a LDSS chooses to pay, pursuant to these regulatory provisions, would reduce unanticipated savings a LDSS or school district may have otherwise realized attendant to COVID-19.

## 7. Small business and local government participation:

OCFS is in regular communication with the non-profit entities and LDSSs impacted by this rule. The Council on Family and Child Caring Agencies (COFCCA), which is the umbrella organization representing some of the non-profit entities impacted by this rule, has strongly urged OCFS to remove the regulatory barrier that precluded reimbursements for residential CSE placements when a child had been absent for longer than 15 days due as a result of unanticipated absences resulting from COVID-19.

**Rural Area Flexibility Analysis**

## 1. Types and estimated numbers of rural areas:

This rule is applicable in all rural areas of the state. It is estimated that there are 34 residential CSE providers in New York State with 9 residential CSE providers estimated to be located in rural areas of the state. This rule does not impact any additional school districts beyond those that are already impacted by the existing statutory and regulatory provisions, which are applicable statewide, including in all rural areas.

## 2. Reporting, recordkeeping and other compliance requirements; and professional services:

It is anticipated that there would be minimal new reporting, record keeping, or compliance requirements associated with this rule. There are also no new professional services anticipated to be required as a result of this rule.

## 3. Costs:

This rule does not mandate any new costs, but would authorize local departments of social services (LDSS) to make reimbursements for maintenance payments for residential Committee on Special Education (CSE) placements when a child has been absent from a program for more than 15 days when the absence was directly related to a state of emergency and

determined to be necessary for the health and safety of the child. Any instance where a LDSS chooses to make reimbursement under the flexibility afforded by the rule would be reflective of costs that would have already been budgeted for and would have occurred absent a declared state of emergency. If a local district chooses to reimburse expenditures under the flexibility afforded by the rule, it may impact costs for local school districts, but such expenditures would have already been budgeted for.

## 4. Minimizing adverse impact:

There is no adverse economic impact for rural areas anticipated with this rule.

## 5. Rural area participation:

OCFS is in regular communication with the non-profit entities and LDSSs impacted by this rule. The Council on Family and Child Caring Agencies (COFCCA), which is the umbrella organization representing some of the non-profit entities impacted by this rule, has repeatedly and strongly urged OCFS to take regulatory action on this issue to remove the barrier to reimbursement imposed by the existing regulation. OCFS has had several conversations with the State Education Department on these issues to preserve the availability of residential CSE services. This consultation encompasses impacted entities in both rural and non-rural areas of the state.

**Job Impact Statement**

## 1. Nature of impact:

It is anticipated that this rule will not have any impact on jobs and employment opportunities attendant to public and non-profit entities.

## 2. Categories and numbers affected:

It is anticipated that the rule does not impact any employment positions.

## 3. Regions of adverse impact:

There are no anticipated adverse impacts of this rule for any region of the state.

## 4. Minimizing adverse impact:

There are no anticipated adverse employment impacts associated with this rule. This rule provides flexibility in providing for additional days of absence from a residential placement when such absence is in the best interests of a child during a state of emergency and approved by the local county department of social services.

## 5. Self-employment opportunities:

There are no anticipated adverse impacts of this rule on any self-employment opportunities in the state.

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Medical Reviews for Child Placement**

**I.D. No.** CFS-24-20-00001-A

**Filing No.** 507

**Filing Date:** 2020-09-01

**Effective Date:** 2020-09-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 421.16, 442.18 and 443.2; repeal of section 448.3(c)(3); addition of new section 448.3(c)(3) to Title 18 NYCRR.

**Statutory authority:** Social Services Law; sections 20, 34, 372-b, 374-c, 378, 462; Executive Law, sections 500 and 501

**Subject:** Medical reviews for child placement.

**Purpose:** To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement.

**Text or summary was published** in the June 17, 2020 issue of the Register, I.D. No. CFS-24-20-00001-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Frank J Nuara, Associate Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-9778, email: regcomments@ocfs.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

## Department of Corrections and Community Supervision

### REVISED RULE MAKING NO HEARING(S) SCHEDULED

#### Special Housing Units

**I.D. No.** CCS-35-19-00001-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

**Proposed Action:** Addition of Parts 255, 256, 315, 316, 319; amendment of sections 1.5, 250.2, 254.1, 260.4, 270.2, 270.3, 301.1, 301.2, 301.4, 301.6, 304.1, 304.2, 305.2; repeal of Part 321 of Title 7 NYCRR.

**Statutory authority:** Correction Law, section 70

**Subject:** Special Housing Units.

**Purpose:** Updated to comply with new laws regarding special housing units, solitary confinement use, and those incarcerated under 18.

**Substance of revised rule (Full text is posted at the following State website: <http://www.doccs.ny.gov/RulesRegs/index.html>):** The Department of Corrections and Community Supervision is amending, adding, or rescinding several sections in Chapter I, Part 1 and Chapter V, 7 NYCRR "Special Housing Units" Parts 250-321. Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use. Some revisions are non-substantive and are being made to improve grammar, correct gender specificity, revise an employee job title, and to improve clarity. A summary of the more substantive amendments follows:

The term "inmates" was replaced with "incarcerated individuals" and all references to Adolescent Offenders were removed throughout the regulations.

Five new Parts were added to include Part 255. Miscellaneous Provisions, Part 256. Alternative Disciplinary Resolution, Part 315. Residential Rehabilitation Units, Part 316. Step Down Units, and Part 319. Mental Illness.

Amend Section 1.5 to add the following subsections and define new terms being added to the regulations: Section 1.5(w) to define what "Special Populations" means, Section 1.5(x) to define what "Segregated Confinement" means, Section 1.5(y) to define what "Administrative Segregation" means, Section 1.5(z) to define what "Keeplock Confinement" means.

Add new subsection 250.2(a) to define how the department will eliminate, mitigate, and respond to disparities and ensure a fair and equitable distribution of benefits and burdens in placing incarcerated individuals in housing unit assignments, institutional work assignments, and programs; and the proper post release supervision of parolees to supervision level, violation processes, and early discharge/merit terminations, as well as ensuring administrative processes involving incarcerated individuals or parolees subject to discipline/grievances are conducted fairly.

Add new subsection 250.2(e) to further define what kinds of behaviors will warrant an incarcerated individual to be placed in Segregated Confinement.

Amend Section 254.1 to state that prior to presiding over a Superintendent's Hearing, the hearing officer shall receive training on relevant topics, including implicit bias and procedural due process rights.

Add new Section 255.01 which states that incarcerated individuals serving a disciplinary sanction resulting in placement within Segregated Confinement or Keeplock Confinement shall be eligible for a reduction in sanction duration if the infraction does not involve certain disciplinary infractions and how that time will be awarded.

Add new Section 255.02 which states time frames for how incarcerated individuals placed in Residential Rehabilitation or Step-Down Units shall be released to general confinement and how the remainder of the sanction, if any, will be suspended as long as the incarcerated individual does not engage in any sanctionable conduct during the duration of the suspended sanction.

Add new Section 255.03 which describes the Progressive Inmate Movement System (PIMS), a behavioral incentive program for incarcerated individuals assigned to Special Housing Units or Residential Rehabilitation Units.

Add new Section 255.04 which describes the preferred methods of how staff will respond to individuals housed in a Special Housing, Residential Rehabilitation, or Step-Down Unit when they engage in further misbehavior, and when formal misbehavior reports should be used.

Add new Section 255.05 which states that all staff assigned to Special Housing, Residential Rehabilitation, or Step-Down Units shall receive specialized training in dealing with incarcerated individuals assigned to those units.

Add new Section 255.06 which states that the department shall publish monthly reports on its website of the total number of incarcerated individuals who are in Segregated Confinement; including the total number of incarcerated individuals who are in a Residential Rehabilitation Unit and the total number of incarcerated individuals in a Step-Down Unit on the first day of each month.

Add new Section 255.07 which states that following a Disciplinary Hearing or an Administrative Segregation proceeding, the department will seek to establish or designate a unit or housing location for the placement of an incarcerated individual, the duration of the placement, and the requirements for programming, treatment, and services which shall be governed by the applicable provision of this Title.

New Section 256.1 explains the Alternative Disciplinary Resolution (ADR) pilot program for incarcerated individuals who are awaiting a Tier II Disciplinary Hearing (Part 253) or a Tier III Superintendent's Hearing (Part 254) for non-serious offenses. An incarcerated individual's participation in the program shall be voluntary and he or she can reject an offer and proceed to a hearing.

Amend Section 260.4 to include that an incarcerated individual confined after being found guilty at a Superintendent's Hearing for a Tier III offense does not automatically forfeit or disallow any good behavior allowance, and if they complete their programming there shall be a presumption that recommended loss of good time be restored, subject to committee review and in accordance with provisions and requirements set forth in this Subchapter.

Section 270.2 was updated to establish disciplinary sanction guidelines which may include sanction ranges for certain charges based upon the level of seriousness of the offense.

In Section 270.2(B), Tier III classifications have been removed from the following infractions: 100.14, 103.10, 103.20, 104.13, 105.10, 105.11, 106.10, 106.11, 107.20, 107.21, 108.11, 108.12, 108.14, 109.10, 109.11, 109.12, 109.13, 109.15, 110.21, 113.13, 113.14, 113.15, 113.21, 113.22, 113.24, 113.27, 113.29, 113.30, 116.11, 118.20, 118.21, 118.31, 118.33, 120.20, 121.11, 121.12, 121.13, 121.14, 122.10, 180.11, 180.12, 180.17, 180.18, and 181.10.

In Section 270.2(B), the following sections have been rescinded:

Section 270.2 (B)(11)(vi) and (vii), Inmate Identification and Grooming;

Section 270.2(B)(19)(vii), Creating a Fire, Health, or Safety Hazard;

Section 270.2(B)(21)(ii), Gambling;

Section 270.2(B)(25)(i), (ii), (v), (vi), and (vii), Mess hall or Dining Areas;

Section 270.2(B)(24), Self-Mutilation;

Section 270.2(B)(26)(vi), Miscellaneous Rules and Regulations.

In Section 270.2(B), the following section has been added:

Section 270.2(B)(14)(iii)(a), Contraband.

Amend Section 270.3 to include that the facility review officer shall review the misbehavior report to consider the seriousness of the alleged violations and refer the report to the lowest appropriate disciplinary body (Tier Level) for action.

Amend Section 301.1 to state that no incarcerated individual may be placed in Segregated Confinement as a result of a Disciplinary Hearing, Administrative Segregation, Protective Custody, Keeplock, or other admissions for longer than necessary and: (i) effective on and after October 1, 2022, for no more than 90 days; (ii) effective on and after April 1, 2023, for no more than 60 days; and (iii) effective on and after October 1, 2023, for no more than 30 days. Upon reaching this limit, the incarcerated individual must be released from Segregated Confinement or diverted to a Residential Rehabilitation Unit or a Step-Down Unit.

Amend Section 301.2 to state what behavior will violate institutional rules and regulations involving conduct that poses an unreasonable risk to the health, safety or security of staff, incarcerated individuals, or security of the facility by an incarcerated individual requiring that they be placed in Segregated Confinement.

Amend Section 301.4 to update this section as it applies to the involuntary removal of an incarcerated individual from general confinement and placement in a Special Housing Unit or a Residential Rehabilitation Unit based upon a determination that the individual's continued presence in general population would pose an unreasonable and demonstrable risk to the safety and security of staff, incarcerated individuals, the facility or would present an unreasonable risk of escape.

Amend Section 301.6 to add that incarcerated individuals assigned to Keeplock status in a Special Housing Unit pursuant to this section shall either be released from Segregated Confinement or diverted to a Residential Rehabilitation Unit or a Step-Down Unit no later than the time limitations set forth in 7 NYCRR § 301.1 and that they will be credited at the rate of three days for every two days served.



Amend Section 304.1 to define provisions of essential services, which shall not be denied, restricted, or limited as a means of discipline or punishment to incarcerated individuals.

Amend Section 304.2 to define "Special Management Meal," and explain when a Special Management Meal would be appropriate.

Amend Section 305.2 to clarify when an incarcerated individual may be denied, restricted, or limited to the provisions of an essential service.

Addition of new Part 315.1 defines a Residential Rehabilitation Unit and the purpose it serves.

Addition of new Part 315.2 to state admission and programming requirements for the Residential Rehabilitation Unit.

Addition of new Part 316.1 to define a Step-Down Unit.

Addition of new Part 316.2 to state the purpose that the Step-Down Unit serves.

Addition of new Part 316.3 to state admission requirements for the Step-Down Unit.

Addition of new Part 319.1 to state the effective date.

Addition of new Part 319.2 to state that the purpose is to help ensure that incarcerated individuals with serious mental illness who are placed in Segregated Confinement for disciplinary purposes receive timely assessments and a heightened level of mental health care and, absent exceptional circumstances, are placed in a residential mental health treatment unit.

Addition of new Part 319.3 to state the admission requirements for screening for Mental Illness and the placement of those with mental illness into Segregated Confinement.

Part 321, Juvenile Separation Units, has been rescinded.

**Revised rule compared with proposed rule:** Substantive revisions were made in sections 1.5, 255, 260.4, 270.2, 301, 304.2, 319 and 321.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Cathy Sheehan, Acting Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue, Harriman State Campus, Albany, NY 12226-2050, (518) 485-9613, email: Rules@DOCCS.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### **Revised Regulatory Impact Statement**

##### **1. Statutory Authority:**

Article 6, section 112, subdivision 1 of the Correction Law provides the commissioner of corrections and community supervision with the superintendence, management and control of the correctional facilities in the department and of the incarcerated individuals confined therein, and of all matters relating to the government, discipline, policing, contracts and fiscal concerns thereof. In this regard, the commissioner is authorized to make rules and regulations for the government, housing and discipline for each correctional facility and to cause such rules and regulations to be recorded by the superintendent of each facility.

##### **2. Legislative Objectives:**

To dramatically reduce the use of solitary confinement in correctional facilities and to further help to correct inequities and end inhumane practices in our criminal justice system.

##### **3. Needs and Benefits:**

The revisions to the original submission include several changes to the tier levels in Section 270.2; the removal of adolescent offender references throughout; the rescinding of Part 321, Juvenile Separation Units; and a tweak to special populations to clarify that special populations include post pregnancy females no matter how the pregnancy ended.

##### **4. Costs:**

(a) This proposed rulemaking imposes no costs on any local agency.

(b) As the proposed rulemaking does not apply to private parties, no costs are imposed on private parties.

(c) DOCCS will assume 69 million in infrastructure and associated costs provided for in the 2020 fiscal year budget and an additional estimated 35 million for personnel and non-personnel services in the out-years.

##### **5. Local Government Mandates:**

This rulemaking imposes no program, service, duty or responsibility on any county, city, town, village, school district, or other special district. It applies only to NYS DOCCS.

##### **6. Paperwork:**

This rulemaking adds a reporting requirement pursuant to § 255.06 that DOCCS will conspicuously publish monthly reports on its website of the total number of incarcerated individuals who are in a residential rehabilitation unit and in a step-down unit on the first day of each month. Also, DOCCS will publish an annual cumulative report of the total number of incarcerated individuals who were in a residential rehabilitation unit and in a step-down unit for the preceding year, which will include the average length of stay in each unit.

##### **7. Duplication:**

There is no overlap or conflict with any other legal requirements of the State or Federal government.

##### **8. Alternatives:**

There are no alternatives.

##### **9. Federal Standards:**

There are no federal standards that apply to the proposed rulemaking.

##### **10. Compliance Schedule:**

Compliance will be achieved 180-days from adoption inclusive of any dates contained in the regulations.

#### **Revised Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses or local governments. This proposal provides consistency between Departmental internal policy and the corresponding sections of 7NYCRR by adding to and amending the applicable sections. It also serves to clarify and expand the current policies and procedures, and improves grammar.

#### **Revised Rural Area Flexibility Analysis**

A Rural Area Flexibility Analysis is not being submitted with this notice since the proposed rule will have no impact upon rural areas, nor does the proposed rule impose any reporting, recordkeeping or other compliance requirements upon rural areas. This proposal provides consistency between Departmental internal policy and the corresponding sections of 7NYCRR by adding to and amending the applicable sections. It also serves to clarify and expand the current policies and procedures and improves grammar.

#### **Revised Job Impact Statement**

A Job Impact Statement is not being submitted with this notice, for the proposed rule will have no adverse impact upon jobs or employment opportunities, conversely, the employment opportunities will increase employment opportunities, nor does the proposed rule impose any reporting, recordkeeping or other compliance requirements upon employers. This proposal provides consistency between Departmental internal policy and the corresponding sections of 7NYCRR by adding to and amending the applicable sections. It also serves to clarify and expand the current policies and procedures, and improves grammar.

#### **Assessment of Public Comment**

The Department received 47 public comments to its proposed regulations relating to segregated housing. The responses generally contained concerns about the same sections of the regulations. The Department responds to the public comments as follows:

The proposed regulations were drafted in response to, and in accordance with, the June 20, 2019 Joint Agreement ("Joint Agreement") among Governor Andrew M. Cuomo, Majority Leader Andrea Stewart-Cousins and Speaker Carl Heastie. That Joint Agreement's stated purpose was to overhaul New York State's segregated confinement practices by, among other things, prohibiting the placement of vulnerable populations in segregated confinement, reducing the maximum duration of segregated confinement and limiting such confinement to individuals whose conduct poses an unreasonable risk to the health, safety or security of the facilities and individuals therein. The regulations not only incorporate each of the terms of that Agreement, but they also include additional provisions to ensure a more fair, equitable and humane system such as the inclusion of a written anti-discrimination policy in 7 N.Y.C.R.R. § 250.2(a) that clearly expresses the Department's goal of eliminating, mitigating and responding to disparate treatment based upon an individual's characteristics. The regulations also reduce several Tier III violations, require facility review officers to review misbehavior reports and charge incidents at the lowest appropriate tier level and provide time-cuts for individuals placed in either segregated or keeplock confinement.

The proposed regulations require the Department to build and redesign its infrastructure, hire and train staff, and develop and expand programs in order to fully realize the objectives of the Joint Agreement. It is for this reason that the regulations implement a gradual and systematic reduction in the maximum length of time an incarcerated individual may remain in segregated confinement prior to his or her release or diversion. As for the implementation of the mental health care provisions (7 N.Y.C.R.R. § 319), those provisions are already codified in Correction Law § 137(6)(d) and followed by the Department.

While incarcerated individuals may be placed back into segregated confinement if they should commit new acts that pose an unreasonable risk to the health, safety or security of the facility or other individuals, they cannot be returned to segregated confinement based upon a suspended penalty unless they were found to have engaged in serious misbehavior or to have committed the same or similar violation that led to the suspended sanction.

Non-violent offenses can often lead to more serious and violent

consequences. As an example, although drug use may not constitute a “violent offense”, it is a major concern that jeopardizes the safety and security of all our facilities. Incarcerated individuals sometimes overdose or unknowingly ingest hazardous substances that result in serious health complications or even death. Individuals who use drugs may also become indebted to the supplier who, when payment is not received, resort to violence. Given the grave consequences that may arise from the commission of non-violent offenses, it is necessary for the Department to be able to administer appropriate discipline to effectively respond to such threats.

Keeplock confinement is not segregated confinement. Keeplock confinement restricts an incarcerated individual to a general population cell or dorm with the normal property and privileges. There are times when individuals are required, based on the structure of the facilities, to serve their disciplinary keeplock sanction in separate keeplock units, which are separate housing units that consist of cells grouped so as to provide separation from the general population. Although Individuals in Keeplock confinement are entitled to time-cuts at a greater rate than individuals housed in segregated housing (individuals can earn a reduction of twenty-five percent of the original sanction after the individual has served one-half of their sanction), individuals who serve their keeplock time in a separate keeplock unit or residential rehabilitation unit will be credited at the rate of three days for every two days served. Also, incarcerated individuals in keeplock are released to general confinement no later than the expiration of the sanction imposed.

One alternative to segregated confinement is Residential Rehabilitation Units (RRUs). Incarcerated individuals in RRUs are released at the end of their disciplinary sanctions that are imposed in accordance to sentencing guidelines in accordance with the NYCLU settlement and reviewed for time cuts during their confinement. Even those incarcerated individuals who complete their sanctions (90/60/30) but have chronically failed their programming and/or pose an immediate or continuing unacceptable threat to the safety of staff and other incarcerated individuals or to the security of the facility, will not continue to be held in an RRU. Those individuals will be transferred to a Step-Down program. All others will be released to general confinement no later than the expiration of their sanction or upon the successful completion of their programming. Upon admission to the RRU, the program management team, in consultation with the incarcerated individual, develops an “individualized” rehabilitation plan. This individualized plan includes an evaluation when it is safe for staff, other incarcerated individuals in the RRU, and the facility for the incarcerated individual to engage in group activities.

Another alternative is Step-Down Units. The Step-Down program provides five hours, four days a week of out-of-cell time consisting of programming, activities, and recreation. The fifth day is a staff day in which staff conducts one-on-one interviews with participants of the program. The individuals receive two hours of recreation time on the fifth day and on weekends.

Next, segregated confinement is for those incarcerated individuals who violate institutional rules and regulations involving conduct that poses an unreasonable risk to the health and safety or security of staff, incarcerated individuals, or security of the facility by engaging in the serious acts defined in Section 301.2. The perceivable risk to health, safety and security of the facility, staff, and other incarcerated individuals is not lessened because of someone’s age, old or young. The Department has an obligation to keep all inmates and staff safe. The narrowing of what types of conduct causes one to be in segregated confinement and moving them to a rehabilitative environment meets the Department’s objective and provides rehabilitative programming to the incarcerated individuals.

There is a correction that needs to be made to mirror the Department’s intentions concerning females in the post-partum period. The definition of “special populations” should include all females in the post-partum period regardless of how the pregnancy ended. Also, all references to adolescent offenders will be removed pursuant to the 2020/2021 Budget Bill, Part G, that transferred all individuals under the age of 18 from the Department to the Office of Children and Family Services. As a result, we will make the appropriate changes and republish the regulations.

## Department of Economic Development

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Excelsior Jobs Program

**I.D. No.** EDV-37-20-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Parts 190, 191 and 193 of Title 5 NYCRR.

**Statutory authority:** Economic Development Law, art. 17; L. 2020, ch. 59

**Subject:** Excelsior Jobs program.

**Purpose:** Update regulations to include newly enhanced tax credits for green economy projects.

**Substance of proposed rule (Full text is posted at the following State website: [www.esd.ny.gov/excelsior-jobs-program](http://www.esd.ny.gov/excelsior-jobs-program)):** The regulation amends 5 NYCRR Parts 190, 191, and 193 as follows:

1) Given the recent statutory change which creates an enhanced credit for green projects under the statute, the regulation adds several important definitions to effectuate this credit, including the terms “green project”, “clean energy” and “improving industrial efficiency.”

The regulation also amends the definition of “net new jobs” to clarify the Department’s calculation of such jobs includes looking at the jobs in excess of the applicant’s employment at the project location as of the date the applicant is admitted into the Excelsior Jobs Program so long as applicant’s employment in New York State during each of their benefit years exceeds its employment base which is calculated as the average of the applicant’s employment in New York State for each of the four quarters immediately prior to the date set forth in the certificate of eligibility, or, if the applicant was not in business in New York State during all four quarters, the employment base shall be calculated as the average of the applicant’s employment in New York State for each of those quarters immediately prior to the date set forth in the certificate of eligibility in which the applicant was in business in New York State.

2) Next, the regulation makes clear that companies engaged primarily in manufacturing, software development, scientific research and development, and agriculture that undertake green projects are eligible for the enhanced green excelsior tax credit.

3) The regulation then clarifies the increased credit amounts for green projects in the excelsior jobs program. It makes clear that the excelsior jobs credit is increased from up to 6.85 percent of gross wages per job to up to 7.5 percent of gross wages per job for a green project. In addition, the excelsior investment tax credit is increased from two (2) percent to five (5) percent of the cost or other basis of a qualified investment for green projects. Finally, the regulation clarifies that for green projects the excelsior research and development tax credit shall not exceed eight percent of the research and development expenditures attributable to activities conducted in New York state as opposed to six percent for non-green excelsior projects.

**Text of proposed rule and any required statements and analyses may be obtained from:** Thomas Regan, NYS Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: [thomas.regan@esd.ny.gov](mailto:thomas.regan@esd.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### Regulatory Impact Statement

##### STATUTORY AUTHORITY:

Section 356 of the Economic Development Law authorizes the Commissioner of Economic Development to promulgate regulations to implement the Excelsior Jobs Program.

Chapter 59 of the Laws of 2020 provide the statutory amendments which provide the basis for this regulatory update.

##### LEGISLATIVE OBJECTIVES:

The rulemaking accords with the public policy objectives the Legislature sought to advance in creating competitive financial incentives for businesses to create jobs and invest in the new economy. The Excelsior Jobs Program is created to support the growth of the State’s traditional economic pillars, including the manufacturing and financial industries,

and to ensure that New York emerges as the leader in the knowledge, technology and innovation-based economy. The Program encourages the expansion in and relocation to New York of businesses in growth industries such as clean-tech, broadband, information systems, renewable energy and biotechnology.

As noted below, the rulemaking updates the Excelsior regulations to capture some important new statutory changes designed to incentivize green projects in the New York State economy.

#### NEEDS AND BENEFITS:

This rule making updates the regulations for the continued administration of the Excelsior Jobs Program, which is one of the State's key economic development tools for ensuring that businesses in the new economy choose to expand or locate in New York State. It is imperative that the administration of this Program continues so that New York remains competitive with other States, regions, and even countries as businesses make their investment and location decisions.

Specifically, to further promote the goals of a green economy, the rulemaking updates the Excelsior regulations to include the enhanced refundable, discretionary jobs tax credit for green projects totaling up to 7.5 percent of wages for each net new job created fostering the expansion of green economy businesses and position New York State to further capitalize on significant projected green economic growth. The regulation is also updated to include the enhanced refundable, discretionary investment tax credit for green projects totaling up to 5 percent of qualifying new capital investments in connection with qualifying green economy projects and also the enhanced research and development credit for green projects which provides up to 8 percent of eligible investment for research and development in qualifying green economy projects.

Finally, the rulemaking amends the definition of "net new job" to clarify that the Department calculates net new jobs as jobs in excess of the applicant's employment at the project location as of the date the applicant is admitted into the Excelsior Jobs Program so long as applicant's employment in New York State during each of their benefit years exceeds its employment base which is calculated as the average of the applicant's employment in New York State for each of the four quarters immediately prior to the date set forth in the certificate of eligibility, or, if the applicant was not in business in New York State during all four quarters, the employment base shall be calculated as the average of the applicant's employment in New York State for each of those quarters immediately prior to the date set forth in the certificate of eligibility in which the applicant was in business in New York State. This clarification is important for applicants to understand the legal standard that applies to their respective companies with respect to counting jobs eligible for the program.

#### COSTS:

A. Costs to private regulated parties: None. There are no regulated parties in the Excelsior Jobs Program, only voluntary participants.

B. Costs to the agency, the state, and local governments: The Department of Economic Development does not anticipate any significant costs with respect to implementation of this program. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the rule making.

#### LOCAL GOVERNMENT MANDATES:

None. There are no mandates on local governments with respect to the Excelsior Jobs Program. This rule does not impose any costs to local governments for administration of the Excelsior Jobs Program.

#### PAPERWORK:

The rule requires businesses choosing to participate in the Excelsior Jobs Program to establish and maintain complete and accurate books relating to their participation in the Excelsior Jobs Program for a period of three years beyond their participation in the Program. However, this requirement does not impose significant additional paperwork burdens on businesses choosing to participate in the Program but instead simply requires that information currently established and maintained be shared with the Department in order to verify that the business has met its job creation and investment commitments.

#### DUPLICATION:

The rule does not duplicate any state or federal statutes or regulations.

#### ALTERNATIVES:

No alternatives were considered with regard to amending the regulations in response to statutory revisions.

#### FEDERAL STANDARDS:

There are no federal standards in regard to the Excelsior Jobs Program. Therefore, the rule does not exceed any federal standard.

#### COMPLIANCE SCHEDULE:

The period of time the state needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant upon publication of the Notice of Adoption.

#### Regulatory Flexibility Analysis

The Excelsior Jobs Program is a statewide tax credit program. Although there are small businesses in New York State that are eligible to participate

in the program, participation by the businesses is entirely at their discretion. The proposed rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule updates a tax credit program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

#### Rural Area Flexibility Analysis

The Excelsior Jobs Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

#### Job Impact Statement

The rule relates to the Excelsior Jobs Program. The Excelsior Jobs Program will enable New York State to provide financial incentives to businesses in strategic industries that commit to create new jobs and/or to make significant capital investment. The rule updates the regulations and provides new definitions for this program. This program, given its design and purpose, will have a substantial positive impact on job creation and employment opportunities. Accordingly, a job impact statement is not required, and one has not been prepared.

## Department of Environmental Conservation

### NOTICE OF ADOPTION

#### To Incorporate Procedural and Legal Developments, Develop Consistency and Reflect Current Practice in Department of Environmental Conservation Hearings

**I.D. No.** ENV-43-19-00010-A

**Filing No.** 504

**Filing Date:** 2020-08-28

**Effective Date:** 2020-09-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of Parts 620, 621 and 624; repeal of Part 622; addition of new Part 622 to Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 3-0301, 15-0901, 17-0303, 19-0301, 23-0305, 33-0303, 70-0107, 71-0301, 71-1709, 71-1719; Administrative Procedure Act, art. 3

**Subject:** To incorporate procedural and legal developments, develop consistency and reflect current practice in Department of Environmental Conservation hearings.

**Purpose:** To incorporate procedural and legal developments, develop consistency and reflect current practice in Department of Environmental Conservation hearings.

**Substance of final rule:** Part 622 Summary

The Department of Environmental Conservation (Department) repeals 6 NYCRR Part 622 "Uniform Enforcement Hearing Procedures" and adopts a new 6 NYCRR Part 622 "Uniform Enforcement Hearing Procedures".

#### Applicability

Part 622 will apply to all administrative enforcement proceedings brought pursuant to the Environmental Conservation Law (ECL) or other laws administered by the commissioner, and various other matters enumerated in Part 622.

#### Definitions and General Provisions

Definitions specific to Part 622 are presented in 622.2. Several definitions have been revised to clarify or update the definition. Discovery is now defined as disclosure to be consistent with the CPLR. The definition of relevant has been changed to be consistent with the Uniform Court Rules. The definition of report has also been revised to more accurately



reflect what is contained within a report. New definitions for “electronically stored information,” “hearing,” “mediation,” “proceeding,” and “proof of service,” have been adopted. The Office of Hearings was renamed Office of Hearings and Mediation Services in 1996. The change reflecting that name change has been made throughout the part.

The requirements for commencing a proceeding have been revised to clarify the requirements. Provisions have also been added for commencing a proceeding for those matters arising out of petroleum delivery prohibitions authorized by 6 NYCRR 613-5.4(a)(3).

Pre-hearing conference rules have been amended to codify the practice of granting a default if respondent fails to appear at the pre-hearing conference and the time to answer the complaint has expired.

Section 622.12 is amended to clarify the service requirements for a motion for order without hearing in lieu of complaint and for a motion for order without hearing served in addition to and after service of a notice of hearing and complaint. The section also describes when a motion for order without hearing may amend the pleadings.

The default procedures contained in section 622.15 have been revised to reflect current practice and administrative precedent. The section also requires the service of default motions on all respondents and compliance with CPLR 3215(g)(4).

A new section 622.19 is adopted to describe the mediation process after an enforcement proceeding has been commenced.

Nonsubstantive change to 6 NYCRR 622.10(d)(1)

Subdivision 622.10(d) provides procedures to appeal from a ruling of an administrative law judge during the pendency of a proceeding and following an adjudicatory hearing. Nonsubstantive changes were made to 6 NYCRR 622.10(d)(1) to clarify when an appeal must be served and filed following an adjudicatory hearing and when responses to an appeal must be served and filed.

Parts 620 and 624 Summary

The definitions in Parts 620 and 624 have been amended to be consistent with the definitions in Part 622. In addition, the Office of Hearings was amended to Office of Hearings and Mediation Services throughout Part 624.

Nonsubstantive changes to 6 NYCRR 624.1(a)(6)

Paragraph 624.1(a)(6) describes the applicability of Part 624 to permits not covered by Environmental Conservation Law Article 70, Uniform Procedures Act. In response to a comment regarding the proposed amendment of the paragraph, nonsubstantive changes were made to 6 NYCRR 624.1(a)(6) to return the coverage of the paragraph to its original content and maintain the regulatory standard.

Part 621 Summary

Subdivisions 6 NYCRR 621.10(a), 621.11(g) and 621.13(d) have been amended to require that a copy of a written request for a hearing made pursuant to those subdivisions be provided to the Chief Administrative Law Judge.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections 624.1(a)(6) and 622.10(d)(1).

**Text of rule and any required statements and analyses may be obtained from:** Michael S. Caruso, Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550, (518) 402-9003, email: ohms@dec.ny.gov

#### **Revised Regulatory Impact Statement**

Changes made to the last published rule do not necessitate revision to the previous published RIS because the changes are nonsubstantive and do not affect the Department’s statutory authority, legislative objective and the needs and benefits of the rulemaking. The changes maintain regulatory standards and do not affect the Department’s published analysis related to costs, local government mandates, paperwork, duplication, alternatives, federal standards and compliance schedule provided in the previous published RIS.

#### **Revised Regulatory Flexibility Analysis**

Changes made to the last published rule do not necessitate revision to the previous published statement explaining why a RFA is not required because the changes are nonsubstantive and do not affect the previous published statement that the adoption of the new Part 622 and amendments to Parts 624, 621 and 620 will not impose any reporting, record-keeping or other compliance requirements on small businesses or local governments.

#### **Revised Rural Area Flexibility Analysis**

Changes made to the last published rule do not necessitate revision to the previous published statement explaining why a RAFA is not required because the changes are nonsubstantive and do not affect the previous published statement that the adoption of the new Part 622 and amendments to Parts 624, 621 and 620 will not impose an adverse impact on rural areas.

#### **Revised Job Impact Statement**

Changes made to the last published rule do not necessitate revision to the previous published statement explaining why a JIS is not required because the changes are nonsubstantive and do not affect the previous published statement that the adoption of the new Part 622 and amendments to Parts 624, 621 and 620 is not expected to create an adverse impact on jobs and employment opportunities in New York State.

#### **Initial Review of Rule**

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

#### **Assessment of Public Comment**

Comment 1: The Honorable Steve Englebright, Chair of the New York State Assembly Committee on Environmental Conservation, and the Honorable Dan Quart, Assembly Chair of the Administrative Regulations Review Commission (Commenters), jointly submitted comments related to the amendment of 6 NYCRR 624.1(a)(6), specifically the sentence, “Unless otherwise required by law, when a request for a hearing is made by an applicant based upon department staff’s denial of a permit or permit renewal application, participation at any hearing is limited to department staff and the applicant and the provisions of sections 624.3, 624.4, 624.5 and 624.11 of this Part shall not apply.” The Commenters expressed concern that it is unclear whether this language only applied to permits that are not subject to Environmental Conservation Law Article 70 Uniform Procedures Act (UPA) or whether other permit programs are among the “include, but not limited to” language in the preceding sentence. The Commenters also expressed concern that the Department proposal inappropriately excludes public participation in permit related hearings.

Response to Comment 1: Thank you for your comment and concern regarding the proposed amendment. The purpose of the amendment to this paragraph was to provide a process when the denial of a non-UPA permit application or renewal application is based on violations of the law, regulations or permit conditions, which are similar to enforcement proceedings. The removal of the matter from public participation was unintended. We agree with the comment and accordingly have removed the sentence from the proposal to maintain the regulatory standard. The Department believes the language in 624.1(a)(6), in effect since 2006, expressly states the paragraph applies to non-UPA permits, and has been applied only to non-UPA permits as exemplified by the list in the paragraph. We have reduced the list to its original content.

## Department of Health

### EMERGENCY RULE MAKING

#### **Confirmatory COVID-19 and Influenza Testing**

**I.D. No.** HLT-37-20-00007-E

**Filing No.** 508

**Filing Date:** 2020-09-01

**Effective Date:** 2020-09-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 405.11; addition of sections 77.13, 77.14 and 415.33 to Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 2800, 2803 and 3401; Executive Order No. 202.59

**Finding of necessity for emergency rule:** Preservation of public health and public safety.

**Specific reasons underlying the finding of necessity:** During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, “temporarily suspend any statute, local law, ordinance, orders, rules, or regulations, or parts thereof, of any agency. . . if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the state disaster emergency.” To that end, on March 7, 2020 and in response to the COVID-19 pandemic, Governor Andrew M. Cuomo issued Executive Order No. 202, declaring a state disaster emergency, thereby enabling additional State action that aided in addressing the threat that COVID-19 presents to the health and welfare of New York State residents and visitors.

Additionally, New York State is entering flu season, and the similar



symptoms of COVID-19 and influenza make correct diagnoses difficult without appropriate testing. Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess and differentiate the number of COVID-19 and influenza related cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19 and/or influenza. Significantly, this includes testing whenever a resident or patient is suspected of having either illness. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Given the foregoing, the Department has determined that these regulations should be issued on an emergency basis.

**Subject:** Confirmatory COVID-19 and Influenza Testing.

**Purpose:** To require confirmatory COVID-19 and influenza testing in several settings to improve case statistics and contact tracing.

**Text of emergency rule:** Section 405.11 of 10 NYCRR is amended by adding a new subdivision (h) to read as follows:

(h) *COVID-19 and Influenza Confirmatory Testing.*

(1) *Any patient who is known to have been exposed to COVID-19 or influenza or has symptoms consistent with COVID-19 or influenza shall be tested for both such diseases.*

(2) *Whenever a person expires while in the hospital, or while en route to the hospital, and in the professional judgment of the attending clinician there is a clinical suspicion that COVID-19 or influenza was a cause of death, but no such tests were performed in the 14 days before death, the hospital shall administer both a COVID-19 and influenza test within 48 hours after death, in accordance with guidance published by the Department. Such tests shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of both such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the hospital lack the ability to perform such testing expeditiously, the hospital should request assistance from the State Department of Health.*

A new section 415.33 of 10 NYCRR is added to read as follows:

415.33 *COVID-19 and Influenza Confirmatory Testing*

(1) *Any resident who is known to have been exposed to COVID-19 or influenza or has symptoms consistent with COVID-19 or influenza shall be tested for both such diseases.*

(2) *Whenever a person expires while in a nursing home, where in the professional judgment of the nursing home clinician there is a clinical suspicion that COVID-19 or influenza was a cause of death, but no such tests were performed in the 14 days before death, the nursing home shall administer both a COVID-19 and influenza test within 48 hours after death, in accordance with guidance published by the Department. Such tests shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of both such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the nursing home lack the ability to perform such testing expeditiously, the nursing home should request assistance from the State Department of Health.*

A new section 77.13 of 10 NYCRR is added to read as follows:

77.13 *COVID-19 and Influenza Confirmatory Testing – Funeral Directors.*

*Whenever the funeral director has been advised by an attending health care practitioner (whether the death was in hospice, an adult care facility, or any another setting where a positive diagnosis was not made) and there is a clinical suspicion that COVID-19 or influenza was a cause of death, but no such tests were performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, coroner, or medical examiner, the funeral director shall administer both a COVID-19 and influenza test within 48 hours after death, whenever the body is received within 48 hours after death, in accordance with guidance published by the Department. Such tests shall be performed using rapid testing methodologies to the extent available. The funeral director shall report the death to the Department immediately after and only upon receipt of both such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the funeral director lack the ability to perform such testing expeditiously, the funeral director should request assistance from the State Department of Health.*

A new section 77.14 of 10 NYCRR is added to read as follows:

77.14 *COVID-19 and Influenza Confirmatory Testing – Coroners and Medical Examiners.*

*Whenever a coroner or medical examiner has a reasonable suspicion that COVID-19 or influenza was a cause of death, but no such tests were performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, the coroner or medical examiner shall administer both a COVID-19 and influenza test within 48 hours after death, whenever the body is received within 48 hours after death, in accordance with guidance published by the Department. Such tests shall be performed using rapid testing methodologies to the extent available. The coroner or medical examiner shall report the death to the Department immediately after and only upon receipt of both such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the coroner or medical examiner lack the ability to perform such testing expeditiously, the coroner or medical examiner may request assistance from the State Department of Health.*

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires November 29, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

#### **Regulatory Impact Statement**

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities, which are commonly referred to as nursing homes. PHL section 2803 (2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities. PHL 3401 authorizes the Commissioner to issue regulations pertaining to the business of funeral directing.

Executive Order No. 202, as extended, authorizes the Commissioner to directly issue emergency regulations pursuant to PHL section 2803, Article 2-B of the Executive Law authorizes the Governor in the course of any emergency to direct any person to take any action necessary to cope with the declared disaster emergency. Pursuant to Article 2-B, Executive Order 202.59 issued on August 28, 2020, as may be extended from time to time, directed the Commissioner to act to ensure accuracy in contacts tracing and testing of persons under investigation (PUI) who may have COVID-19. Executive Order 202.59 directs the Commissioner to develop, by emergency regulations, comprehensive statewide protocols for the timely testing and reporting of all COVID-19 and Influenza cases to continue to ensure, as flu season approaches, that the State has the most accurate data to evaluate the number of positive cases and to best ensure timely contact tracing efforts are implemented in all regions. Upon the future declaration of any disaster emergency, any further authorization by the Governor pursuant to Article 2-B of the Executive Law, if it should suspend any statutes which otherwise conflict with these regulations, will establish the immediate effectiveness of these provisions, and the current actions taken establish their immediate effectiveness.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. The objective of PHL Section 3401 is to authorize the Commissioner to regulate the business of funeral directing.

Needs and Benefits:

During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, "temporarily suspend any statute, local law, ordinance, orders, rules, or regulations, or parts thereof, of any agency. . . if compliance with such provisions would prevent,

hinder, or delay action necessary to cope with the state disaster emergency.” To that end, on March 7, 2020 and in response to the COVID-19 pandemic, Governor Andrew M. Cuomo issued Executive Order No. 202, declaring a state disaster emergency, thereby enabling additional State action that aided in addressing the threat that COVID-19 presents to the health and welfare of New York State residents and visitors.

Additionally, New York State is entering flu season, and the similar symptoms of COVID-19 and influenza make correct diagnoses difficult without appropriate testing. Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess and differentiate the number of COVID-19 and influenza related cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19 and/or influenza. Significantly, this includes testing whenever a resident or patient is suspected of having either illness. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

#### Costs:

##### Costs to Regulated Parties:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCT) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test. Rapid influenza tests are advertised at \$10-15 per panel.

##### Costs to Local Governments:

For those local governments that operate a general hospital or nursing home, the costs will be the same as those described above.

##### Cost to State Government:

The administration and oversight of these planning and response activities will be managed within the Department’s existing resources.

##### Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although this regulation will require hospitals and nursing homes to test persons for COVID-19 and influenza, the Department does not anticipate that such additional tests will be burdensome given that these facilities are already testing patients and residents for these diseases in many instances.

##### Local Government Mandates:

Facilities operated by local governments will be subject to the same requirements as any other regulated facility, as described above.

##### Duplication:

These proposed regulatory amendments do not duplicate state or federal rules.

##### Alternatives:

The alternative would be to not promulgate the regulation, and to allow deaths to be reported as “presumed” deaths of COVID-19. However, this alternative was rejected on two grounds. First, a lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing, which would allow COVID-19 to spread indefinitely. Second, the regulations would encourage hospitals, nursing homes and hospices to test patients early for both COVID-19 and influenza, which will increase safety of patients and residents.

##### Federal Standards:

No federal standards apply.

##### Compliance Schedule:

These regulatory amendments will become effective upon filing with the Department of State.

### Regulatory Flexibility Analysis

#### Effect on Small Business and Local Government:

For those local governments or small businesses that operate a general hospital or nursing home, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19 and/or influenza. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

#### Compliance Requirements:

As discussed above, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19 and/or

influenza. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

#### Professional Services:

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used when available.

#### Compliance Costs:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCT) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test. Rapid influenza tests are advertised at \$10-15 per panel.

#### Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

#### Minimizing Adverse Impact:

Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19 and influenza. In the case of nursing homes, facilities are required to test personnel for COVID-19 pursuant to New York State Executive Order 202.30, as modified by Executive Order 202.40. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal. Moreover, the Department will work to promptly issue guidance documents to covered parties to clarify these emergency regulatory requirements, thus helping to minimize any adverse impacts.

#### Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. However, parties representing local governments and small businesses may submit comments during the notice and comment period in the event the Department promulgates proposed regulations.

### Rural Area Flexibility Analysis

#### Types and Estimated Numbers of Rural Areas:

Although this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), “rural area” means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.” The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010.



Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

Reporting, Recordkeeping, and other Compliance Requirements; and Professional Services:

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used.

**Compliance Costs:**

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected, but not known, to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCT) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test. Rapid influenza tests are advertised at \$10-15 per panel. Lastly, per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

**Economic and Technological Feasibility:**

This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

**Minimizing Adverse Impact:**

Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19 and influenza. In the case of nursing homes, facilities are required to test personnel for COVID-19 pursuant to New York State Executive Order 202.30, as modified by Executive Order 202.40. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal. Moreover, the Department will work to promptly issue guidance documents to covered parties to clarify these emergency regulatory requirements, thus helping to minimize any adverse impacts.

**Rural Area Participation:**

Due to the emergency nature of COVID-19, parties representing rural areas were not consulted in the initial draft. However, parties representing rural may submit comments during the notice and comment period in the event the Department promulgates proposed regulations.

**Job Impact Statement**

The Department of Health has determined that these regulatory changes will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

## Long Island Power Authority

### EMERGENCY/PROPOSED RULE MAKING HEARING(S) SCHEDULED

**Terms of Deferred Payment Agreements Available to LIPA's Commercial Customers**

**I.D. No.** LPA-37-20-00013-EP

**Filing Date:** 2020-09-01

**Effective Date:** 2020-09-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Amendment of LIPA Tariff to ease terms of commercial DPAs.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The attached action of the Authority with respect to the revision of its Tariff for Electric Service: (1) to enable PSEG Long Island to ease the terms of deferred pay-

ment agreements and extend the eligibility to additional categories of nonresidential customers; (2) to enable PSEG Long Island to ease the terms for security deposits for non-residential customers; and (3) to suspend certain requirements for participation in the Distribution Load Relief Program and Commercial System Relief Program; was duly adopted on a temporary emergency basis, by unanimous vote of the Trustees, at a meeting held in Uniondale, Town of Hempstead, New York, on May 20, 2020, pursuant to the authority vested in the Authority under Sections 1020-f(u) and 1020-f(z) of the Public Authorities Law.

This amendment is adopted as an emergency measure because time is of the essence, upon a finding that the amendment is necessary to the general welfare because the amendment mitigates the anticipated impacts of the COVID-19 epidemic, including the closure by Executive Order of all non-essential businesses in the State of New York, on the economy of Long Island.

The notice of emergency adoption for these amendments will be published in the next edition of the State Register. No other publication of prior notice was required by statute.

**Subject:** Terms of deferred payment agreements available to LIPA's commercial customers.

**Purpose:** To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers.

**Public hearing(s) will be held at:** 10:00 a.m., Nov. 19, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; 2:00 p.m., Nov. 18, 2020 at 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of emergency/proposed rule:** The Long Island Power Authority proposed to modify its Tariff for Electric Service allowing PSEG Long Island to ease the terms of deferred payment agreements and extend the eligibility to additional categories of nonresidential customers.

Specifically, the proposed changes would:

1. Extend eligibility for deferred payment agreements (DPAs) to larger commercial customers that fall into arrears.
2. Extend the length of DPAs for commercial customers to twice the length of the current emergency, up to a maximum of 12 months.
3. Waive late payment fees for the first 6 months for commercial customers entering a DPA.
4. Reduce the minimum requirement for a down-payment to equal the current bill plus ½ of average monthly bill.
5. Allow good credit commercial customers who request relief to apply their security deposits against outstanding charges.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 30, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Elisa Rodriguez, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9861, email:tariffchanges@lipower.org.

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

**Authority's Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service**

**I.D. No.** LPA-37-20-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to modify its Tariff for Electric Service to implement rate adjustments per its annual budget process.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.

**Purpose:** To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.

**Public hearing(s) will be held at:** 2:00 p.m., Nov. 18, 2020 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY; 10:00 a.m., Nov. 19, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority ("LIPA") staff ("Staff") proposes to modify LIPA's Tariff for Electric Service (the "Tariff") effective January 1, 2021 to implement rate adjustments as determined through LIPA's annual budget process.

Consistent with the Authority's annual budget process, a proposed budget will be published in November, 2020, in advance of the budget workshop for the Authority's Board, which will be held on November 18th, and public comment hearings, which will be held in Suffolk County on November 17th and Nassau County on November 18th. The resulting rate adjustments will increase the annual aggregate delivery revenues of the authority by an amount not to exceed two and one-half percent and will be effectuated through a pro rata increase to all Service Classifications.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: tariffchanges@lipower.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

### Consolidated Billing for Community Distributed Generation

**I.D. No.** LPA-37-20-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to modify its Tariff for Electric Service to offer consolidated billing for community distributed generation consistent with New York Public Service Commission orders and guidance in Matter No. 19-01480.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** Consolidated billing for community distributed generation.

**Purpose:** To modify the tariff to offer consolidated billing options for community distributed generation consistent with the NY PSC.

**Public hearing(s) will be held at:** 2:00 p.m., Nov. 18, 2020 at 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY; 10:00 a.m., Nov. 19, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority ("LIPA") staff ("Staff") proposes to modify the Authority's Tariff for Electric Service (the "Tariff") effective January 1, 2021 to offer options for community distributed generation hosts to consolidate their billing of satellite customers with utility bills for electric service, consistent with New York Public Service Commission orders applicable to the jurisdictional (investor-owned) utilities in Matter No. 19-01480.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: tariffchanges@lipower.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

### To Modify the RDM and DSA to Address the Unforeseen Impact of COVID-19

**I.D. No.** LPA-37-20-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to modify the its Tariff for Electric Service to adjust the Revenue Decoupling Mechanism ("RDM") and Delivery Service Adjustment ("DSA") to address the impacts of COVID-19.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** To modify the RDM and DSA to address the unforeseen impact of COVID-19.

**Purpose:** To modify the Tariff to mitigate high bill impacts and allow for additional expense recovery related to a state of emergency.

**Public hearing(s) will be held at:** 2:00 p.m., Nov. 18, 2020 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY; 10:00 a.m., Nov. 19, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority ("LIPA") staff ("Staff") proposes to modify the Authority's Tariff for Electric Service (the "Tariff") effective January 1, 2021 to adjust the Revenue Decoupling Mechanism ("RDM") and the Delivery Service Adjustment ("DSA") to address the unforeseen impact of COVID-19. The RDM rate would be limited to a maximum of 5% of delivery service revenues for any customer class and the DSA would be modified to allow for recovery of additional expenses directly related to the state of emergency.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: tariffchanges@lipower.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

### New Optional TOU Rates as Proposed in PSEG Long Island's 2018 Utility 2.0 Filing and Subsequent Filing Updates

**I.D. No.** LPA-37-20-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to modify the Authority's Tariff for Electric Service to introduce four new residential time-of-use ("TOU") rates and one small business TOU rate.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** New optional TOU rates as proposed in PSEG Long Island's 2018 Utility 2.0 Filing and subsequent filing updates.

**Purpose:** To incorporate best practices in TOU rate design, reduce peak load, and offer customers new rate options.

**Public hearing(s) will be held at:** 2:00 p.m., Nov. 18, 2020 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY; 10:00 a.m., Nov. 19, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority ("LIPA") staff proposes to modify the Tariff for Electric Service (the "Tariff") effective February 1, 2021, in accordance with PSEG Long Island's 2018 Utility 2.0 Filing and the subsequent filing updates to add four residential time-of-use ("TOU") rates and one small commercial TOU rate. With customers' needs in mind, these rates offer several choices of shorter peak periods so that customers can more easily shift their energy use to off-peak times.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: tariffchanges@lipower.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

**Authority's Implementation of Public Service Law Section 66-p in the Tariff for Electric Service**

**I.D. No.** LPA-37-20-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to modify its Tariff for Electric Service to accommodate electric billing information requests for residential rental premises in compliance with Section 66-p of the New York Public Service Law (PSL).

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** Authority's implementation of Public Service Law section 66-p in the Tariff for Electric Service.

**Purpose:** To update the Tariff to provide access to historical electric charges billed to a rental property.

**Public hearing(s) will be held at:** 2:00 p.m., Nov. 18, 2020 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY; 10:00 a.m., Nov. 19, 2020 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority (the "Authority") staff ("Staff") proposes to modify the Authority's Tariff for Electric Service (the "Tariff") effective January 1, 2021 to implement the provision of Public Service Law § 66-p. This will allow for potential les-

see, potential tenant, or the current landlord to request, in writing, the total electric charges monthly or bi-monthly incurred for either the life of the property or the previous two years, whichever is shorter. These requests will be provided via e-mail to the requesting party free of charge.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: tariffchanges@lipower.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## Office for People with Developmental Disabilities

### EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

**Day Habilitation Duration**

**I.D. No.** PDD-37-20-00004-EP

**Filing No.** 506

**Filing Date:** 2020-08-31

**Effective Date:** 2020-08-31

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Amendment of Subpart 635-10.5 of Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The emergency adoption of amendments that provides service day duration flexibility for group day habilitation, site-based prevocational, and supplemental group day habilitation service providers, as set forth by the OPWDD Commissioner during the COVID-19 Public Health Emergency for individuals with developmental disabilities, is necessary to protect the health, safety, and welfare of individuals who receive these services. The emergency regulation would help maintain the capacity of providers to operate during the COVID-19 emergency. This regulation must be issued by emergency regulation to implement approvals made by the federal Centers for Medicare and Medicaid Services pursuant to that agency's disaster relief authorities.

**Subject:** Day Habilitation Duration.

**Purpose:** To help providers maintain capacity to operate during the public health emergency.

**Text of emergency/proposed rule:** • Addition of a new clause (c) to Subpart 635-10.5(c)(6)(i) to read as follows:

(c) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, group day habilitation and supplemental group day habilitation services may be delivered, and payment for such services made, for durations set forth in guidance issued by the OPWDD Commissioner.

• Addition of a new clause (e) to Subpart 635-10.5(c)(6)(ii) to read as follows:

(e) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, group day habilitation and supplemental group day habilitation services may be delivered, and payment for such services made, during mealtimes.

• Addition of a new paragraph (18) to Subpart 635-10.5(c) to read as follows:

(18) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, provid-



ers billing for services rendered using the flexible definitions of the program day duration for day habilitation authorized by subpart 635-10.5(c)(6)(i)(c) are subject to all the following conditions:

(i) The total monthly number of day habilitation units claimed during the COVID-19 Public Health Emergency do not exceed the average monthly units for each service claimed from the period of July 1, 2019 through December 31, 2019;

(ii) The combined average monthly revenue for day habilitation, site based prevocational services, community-based prevocational services, and community habilitation during the COVID-19 Public Health Emergency claimed by the provider may not exceed the provider's combined average monthly revenue for those services for the period of July 1, 2019 through December 31, 2019;

(iii) Any claims in excess of the monthly averages from this period will be subject to immediate recoupment if the agency has submitted any claims during the month that do not meet the full program day duration requirements; and

(iv) Providers will continue to work in partnership with OPWDD to make more available non-center-based and telehealth modalities in an effort to increase community involvement of waiver enrollees and to protect the delivery of services during future emergencies.

• Addition of a new clause (d) to Subpart 635-10.5(ag)(4)(iii) to read as follows:

(d) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, site-based prevocational services may be delivered, and payment for such services made, during mealtimes.

• Addition of a new subparagraph (iv) to Subpart 635-10.5(ag)(4) to read as follows:

(iv) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, site-based prevocational services may be delivered, and payment for such services made, for durations set forth in guidance issued by the OPWDD Commissioner.

• Addition of a new paragraph (7) to Subpart 635-10.5(ag) to read as follows:

(7) During the period beginning on July 22, 2020 and ending on October 14, 2020, due to the COVID-19 Public Health Emergency, providers billing for services rendered using the flexible definitions of the program day duration for site-based prevocational services authorized by subpart 635-10.5(ag)(4)(iv) are subject to all the following conditions:

(i) The total monthly number of site-based prevocational services units claimed during the COVID-19 Public Health Emergency do not exceed the average monthly units for each service claimed from the period of July 1, 2019 through December 31, 2019;

(ii) The combined average monthly revenue for day habilitation, site based prevocational services, community-based prevocational services, and community habilitation during the COVID-19 Public Health Emergency claimed by the provider may not exceed the provider's combined average monthly revenue for those services for the period of July 1, 2019 through December 31, 2019;

(iii) Any claims in excess of the monthly averages from this period will be subject to immediate recoupment if the agency has submitted any claims during the month that do not meet the full program day duration requirements; and

(iv) Providers will continue to work in partnership with OPWDD to make more available non-center-based and telehealth modalities in an effort to increase community involvement of waiver enrollees and to protect the delivery of services during future emergencies.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 28, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Mary Beth Babcock, Office for People With Developmental Disabilities, Office of Counsel, 3rd Floor, 44 Holland Ave., Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

**Additional matter required by statute:** Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

#### Regulatory Impact Statement

##### 1. Statutory Authority:

a. The Office for People With Developmental Disabilities (OPWDD)

has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The regulations amend Title 14 New York Codes Rules and Regulations (NYCRR) Subpart 635-10.5 in order to provide service day duration flexibility for group day habilitation, site-based prevocational, and supplemental group day habilitation service providers, as set forth by the OPWDD Commissioner during the COVID-19 Public Health Emergency.

3. Needs and Benefits: The proposed regulation amends Title 14 NYCRR Subpart 635-10.5 to set forth new day habilitation and site-based prevocational services duration requirements. These changes are necessary to help maintain the capacity of providers to operate during the COVID-19 emergency, and to implement approvals made by the federal Centers for Medicare and Medicaid Services pursuant to that agency's disaster relief authorities.

These flexibilities will benefit the State, providers, and individuals receiving services by helping the existing provider base address the expectation of reduced service utilization during the public health emergency. This flexibility achieves that by helping to cover a provider's fixed costs during an expected period of reduced service utilization during the Pandemic. The State, providers, and individuals will also benefit in the future as these flexibilities were offered with the expectation that providers will continue to work in partnership with OPWDD to make more available non-center-based and tele-modalities in an effort to increase community involvement of waiver enrollees and to protect the delivery of services during future emergencies.

##### 4. Costs:

a. Costs to the Agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the providers that utilize these flexibilities must undergo a reconciliation process.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There are no anticipated costs to regulated providers to comply with the proposed regulations. The amendments/additions modify the duration of services to be delivered by providers.

5. Local government mandates: This rule would only apply to a small number of local governments that deliver these services via a local department of social services. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will experience an increase in paperwork as a result of the proposed regulations. Additional revenue reporting requirements are necessary to ensure Medicaid program integrity for the emergency flexibilities.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary to ensure public health, public welfare, and public safety. The emergency regulations are necessary to implement flexibilities due to the COVID-19 public health emergency. These flexibilities were obtained through an emergency appendix to OPWDD's Home and Community Based Services Comprehensive 1915(c) Waiver, known as an Appendix K, which is designed to take immediate effect to address the public health emergency. OPWDD obtained the flexibilities at issue here after approval by the Centers for Medicare and Medicaid Services ("CMS") on August 18, 2020 and needed these emergency amendments to immediately allow these flexibilities under existing regulations. The normal promulgation process would have delayed the implementation, and the purpose, of the flexibilities authorized by CMS.

9. Federal Standards: The proposed amendments do not exceed any

minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: OPWDD plans to adopt the regulations as an Emergency Adoption. The effective date for enforcement of the regulation will be July 22, 2020. The regulations are scheduled to sunset on October 14, 2020. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

#### **Regulatory Flexibility Analysis**

##### **1. Effect of Rule:**

a. This rule would only apply to OPWDD 297 providers providing day habilitation and 51 providers of site-based prevocational services. This rule would only apply to a small number of local governments that deliver these services via a local department of social services. Furthermore, this regulation provides service day duration flexibility for group day habilitation, site-based prevocational, and supplemental group day habilitation service providers, as set forth by the OPWDD Commissioner during the COVID-19 Public Health Emergency.

2. Compliance Requirements: These regulations will require additional reporting requirements in order to ensure program integrity. Any entities that provide these services will be required to follow OPWDD regulations as they have been required to do so previously, but there will be additional revenue reporting requirements in order to ensure Medicaid program integrity for the emergency flexibilities.

3. Professional Services: This rule would only apply to a small number of local governments that deliver these services via a local department of social services. For entities that provide care coordination or crisis intervention services they will not require additional professional services as they all already have compliance managers or staff tasked with following other OPWDD regulations.

##### **4. Compliance Costs:**

a. There will be no additional compliance costs.

5. Economic and Technological Feasibility: The entities required to comply with this rule already have the technological capability to comply with this rule. Additionally, there are no extra costs for compliance.

6. Minimizing Adverse Impact: There will be no adverse impact as a result of this rule because the rule applies to all providers of these services regardless of size. Furthermore, group day habilitation, site-based prevocational, and supplemental group day habilitation services have always had restrictions on the duration the services could be delivered. This regulation merely creates temporary flexibility of these limits in light of the COVID-19 Public Health Emergency.

7. Small Business and Local Government Participation: This rule would only apply to a small number of local governments that deliver these services via a local department of social services. Small businesses will have an opportunity to comment during the comment period of the rule making process as well as at an OPWDD stakeholder meeting, held on August 21, 2020, where regulations were presented to providers and comments were received.

8. Establishment or Modification of Penalties: The rule does not modify or establish any new penalties.

9. Initial Review of the Rule: The rule is time-limited to the duration of the COVID-19 Public Health Emergency, as defined by Executive Order. OPWDD will again review the rule within the third calendar year after filing.

#### **Rural Area Flexibility Analysis**

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation amends Title 14 NYCRR Subpart 635-10.5 in order to provide service day duration flexibility for group day habilitation, site-based prevocational, and supplemental group day habilitation service providers, as set forth by the OPWDD Commissioner during the COVID-19 Public Health Emergency. The regulation will not result in an adverse impact on rural communities because the regulation applies to all providers of these services. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

#### **Job Impact Statement**

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation amends Title 14 NYCRR Subpart 635-10.5 in order to require group day habilitation, supplemental group day habilita-

tion, and site-based prevocational service providers to comply with duration limits as set forth by the OPWDD Commissioner during the COVID-19 Public Health Emergency. The regulation will result in new compliance requirements for providers. However, there have always been duration limits on these types of providers so the compliance measures would be minimal and not overly burdensome. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

## **Public Service Commission**

### **EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

#### **Postponement of Delivery Rate, System Improvement Charge (SIC) and RAC/PTR Surcharge with Make Whole Starting on April 1, 2021**

**I.D. No.** PSC-37-20-00014-EP

**Filing Date:** 2020-09-01

**Effective Date:** 2020-09-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** The Commission adopted an order, on September 1, 2020, postponing New York American Water Company's (NYAW) approved water delivery rate increases and System Improvement Charge (SIC) surcharge increases, postponing NYAW's Revenue Adjustment Clause/Property Tax Reconciliation surcharge for an additional two months, until January 1, 2021, amending the previously approved make whole surcharge to, among other things, include certain carrying charges, which is set to become effective April 1, 2021, postponing implementation of NYAW's Incremental Property Tax Surcharge Statement until January 1, 2021, and approving implementation of a make whole surcharge.

**Statutory authority:** Public Service Law, sections 5(1), 89-b(1) and 89-c(10)

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** Governor Andrew Cuomo, on March 7, 2020, declared a state of emergency due to the unprecedented coronavirus (COVID-19) pandemic that is now spreading rapidly throughout the state and country. The declaration, while necessary to protect the health, safety and general welfare of the public, has inevitably resulted in the temporary closure of many businesses and schools across the state. Given the potential for widespread financial hardships related to the COVID-19 pandemic, New York American Water seeks, among other things, Commission approval to postpone for four additional months, to January 1, 2020, its April 1, 2020 rate increase. Absent immediate Commission action, the approved rate increase would go into effect. In order to help alleviate the financial hardships customers may face, the postponement of the increase cannot wait for the 60 day comment period to expire.

**Subject:** Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on April 1, 2021.

**Purpose:** To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.

**Substance of emergency/proposed rule:** The Commission is considering a petition filed by New York American Water Company, Inc. (NYAW) on September 1, 2020.

Given the potential for widespread financial hardships related to the COVID-19 pandemic and in order to assist customers, NYAW is requesting an additional four-month postponement of NYAW's approved water delivery rate increases, originally scheduled to take effect on April 1, 2020, pursuant to its current four-year rate plan; an additional four-month postponement for the approved increase to the Company's System Improvement Charge (SIC) surcharge that was otherwise scheduled to take effect on or before August 1, 2020; a postponement of the Company's Revenue Adjustment Clause, Property Tax Reconciliation (RAC/PTR) surcharge (RAC) for an additional two months (until January 1, 2021); to amend the previously approved make whole surcharge, to among other things include certain carrying charges, which is set to become effective April 1, 2021; and to postpone implementation of the Company's



Incremental Property Tax Surcharge Statement until January 1, 2021. NYAW also requests to implement a make whole surcharge on April 1, 2021, that would remain in effect through March 31, 2022.

The full record of the proceeding and the full text of the petition may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 29, 2020.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Secretary, Department of Public Service, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0259EP15)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Con Edison's Petition for a Proposed Non-Pipeline Solutions Portfolio and Associated Budget

**I.D. No.** PSC-37-20-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) on August 3, 2020, seeking funding authorization from the Commission to procure resources to address peak gas demand days in Westchester County.

**Statutory authority:** Public Service Law, sections 5, (2), 65 and 66

**Subject:** Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.

**Purpose:** To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed on August 3, 2020 by Consolidated Edison Company of New York, Inc. (Con Edison or Company) seeking funding authorization from the Commission to procure non-pipeline alternative resources to address peak gas demand days in Westchester County.

Pursuant to the 2020 Gas Rate Plan established by the Commission in this proceeding, Con Edison seeks funding approval to procure a portfolio of non-pipeline alternatives (NPA) to provide additional resources that the Company claims will help address peak day gas needs in Westchester. Con Edison proposes a \$7 million budget which would fund the following programs: (1) a Behavioral Demand Response Program to encourage reductions in energy usage by small customers; (2) heat as a service financing to provide an alternative financing solution for clean heating systems or components; and, (3) solar photovoltaic heat recovery to provide more efficient electrification of large domestic hot water loads.

The proposed budget includes the cost of NPAs the Company proposes to implement and funds needed for administration, measurement and verification, and gas system interconnection for the gas supply projects. In addition to the proposed budget, Con Edison requests authority to recover these costs over ten years at the rate of return established in its current rate plan. The Commission may grant or deny, or modify in whole or in part, the authorizations, funding, and cost recovery sought for the proposed NPAs by Con Edison and may address related issues.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(19-G-0066SP2)

## Department of State

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Siting Permits for Major Renewable Energy Facilities

**I.D. No.** DOS-37-20-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Addition of Subpart 900-6 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 94-c(3)(b)

**Subject:** Siting permits for major renewable energy facilities.

**Purpose:** To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities.

**Public hearing(s) will be held at:** 5:00 p.m., Nov. 17, 2020 at Jacqueline Vito LoRusso Alumni & Visitor Center, SUNY Buffalo State, 667 Grant St., Buffalo, NY\*; 5:00 p.m., Nov. 18, 2020 at Rochester City Hall, City Council Chambers, 30 Church St., Rochester, NY\*; 5:00 p.m., Nov. 19, 2020 at Clayton Opera House, 405 Riverside Drive, Clayton, NY\*; 5:00 p.m., Nov. 20, 2020 at McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy, NY\*; 5:00 p.m., Nov. 23, 2020 at Suffolk County Legislature - William H. Rogers Building, Rose Y. Caracappa Auditorium, 725 Veterans Memorial Hwy., Smithtown, NY\*

\*In the event that a public statement hearing needs to be canceled, rescheduled or postponed, notification of any changes will be available at the ORES Website ([www.ores.ny.gov](http://www.ores.ny.gov)).

To register for in-person public statement hearings: Any person wishing to comment on the proposed regulations on the record at the in-person hearings must register by sending an email to [General@Ores.ny.gov](mailto:General@Ores.ny.gov) no later than 5 P.M. on Friday, November 13, 2020. The Administrative Law Judge will use a registration list to call each person who has requested to provide a statement. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearings will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

#### Virtual Public Statement Hearings

5:00 p.m., November 24, 2020 at [www.webex.com](http://www.webex.com), Event Number: 173 227 2771, Password: 11.24PSH, Phone Access: 518-549-0500, Access Code: 173 227 2771\*; 5:00 p.m., November 30, 2020 at [www.webex.com](http://www.webex.com), Event Number: 173 845 2365, Password: 11.30PSH, Phone Access: 518-549-0500, Access Code: 173 845 2365\*

\*In the event that a public statement hearing needs to be canceled, rescheduled or postponed, notification of any changes will be available at the ORES Website ([www.ores.ny.gov](http://www.ores.ny.gov)).

To register for virtual public statement hearings electronically: Participants who would like to login to a hearing electronically to provide a statement must register to do so by visiting [www.webex.com](http://www.webex.com) by November 20, 2020, clicking "Join" at the top right-hand corner of the screen, and entering the appropriate event number listed above, and providing all requested information.

When logging in to a hearing on the appropriate date and time of the hearing, participants should visit [www.webex.com](http://www.webex.com), click "Join" at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to "select audio system." It is recommended that participants opt to have the system "call me" or "call using computer." The "call me" option will require participants to enter their phone numbers.

To register for virtual public statement hearings by phone: Any participant who is not able to login to a hearing electronically may participate by phone. Call-in participants wishing to provide a statement must register to do so by November 20, 2020 by calling 1-800-342-3330, where they should follow prompts to the appropriate hearing and provide the following information: first and last name, address, and phone number. On the appropriate date and time of a hearing, all call-in users should dial (518) 549-0500 and enter the relevant access code listed above to join the hearing.

All electronic and call-in participants will be muted upon entry into the hearing. The Administrative Law Judge will call each person who has requested to provide a statement to speak. Each public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Time limits may be set for each speaker as necessary. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearing will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule (Full text is posted at the following State website: [www.ores.ny.gov](http://www.ores.ny.gov)):** In accordance with Executive Law (EL) Section 94-c(3)(b), the Office of Renewable Energy Siting (ORES or Office) is proposing a comprehensive set of uniform standards and conditions (USCs) for the siting, design, construction and operation of solar and land-based wind major renewable energy facilities, as that term is defined at EL Section 94-c(2)(h). Promulgation of the USCs is intended to put an applicant for a siting permit on notice of the conditions that would, as applicable, be required by the ORES in order for a proposed project to avoid, minimize or mitigate significant adverse environmental impacts. Following review of an application, the ORES would incorporate relevant USCs into a draft siting permit issued for public comment. The draft permit would be issued in accordance with the Siting Program Procedural Regulations, which are the subject of a separate rulemaking proceeding. If the ORES cannot prepare draft permit conditions based on the record, it will publish a Statement of Intent to Deny, subject to an adjudicatory hearing that may be requested by the applicant.

Proposed section 900-6.1 contains permit conditions that include the expiration date of an issued permit, the need for an applicant to obtain other approvals, and other conditions that specify the scope of the authorization contained in a permit issued by the Office, including the need for an applicant to receive a Notice to Proceed with Construction from the ORES.

Proposed section 900-6.2 specifies the notifications that would be required prior to construction, following construction and following restoration of the site.

Proposed section 900-6.3 provides general construction requirements related to compliance with local laws and federal requirements, as well as state and local coordination with respect to traffic issues.

Proposed section 900-6.4 includes permit conditions that specifically address environmental conditions related to facility construction and maintenance, and contains avoidance and mitigation measures that complement application requirements specified in the ORES' proposed rulemaking for the Siting Program Procedural Regulations. Permit conditions cover matters such as construction hours, monitoring requirements, air emissions, visual impacts, noise impacts, water quality protection, endangered and threatened species, wetlands, agricultural impacts and decommissioning.

Proposed section 900-6.5 contains permit conditions that address the operational phase of a major renewable energy facility.

Proposed section 900-6.6 addresses decommissioning requirements, including financial assurance.

As stated above, the menu of permit conditions proposed in sections 900-6.1 through 900-6.5 are intended to complement the various plans that would be developed by an applicant in accordance with the procedural rules proposed by the ORES and serve as the means to implement compliance with such plans. Pursuant to EL Section 94-c, the ORES would develop site-specific conditions needed to implement specific avoidance, minimization and mitigation measures for any impacts for which USCs have not been developed, or to address a request by an applicant for a site-specific condition in lieu of a USC or application requirement.

**Text of proposed rule and any required statements and analyses may be obtained from:** Houtan Moaveni, Deputy Executive Director, New York State Office of Renewable Energy Siting, 99 Washington Avenue, Albany, New York 12231-0001, (518) 949-0798, email: [General@Ores.ny.gov](mailto:General@Ores.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

#### **Regulatory Impact Statement**

1. Statutory authority: Executive Law Section 94-c(3)(b) requires the Office of Renewable Energy Siting (ORES) to "establish a set of uniform standards and conditions for the siting, design, construction and operation of each type of major renewable energy facility relevant to issues that are common for particular classes and categories of major renewable energy facilities, in consultation with the New York state energy research and development authority, the department of environmental conservation, the department of public service, the department of agriculture and markets, and other relevant state agencies and authorities with subject matter expertise. Prior to adoption of uniform standards and conditions, the office shall hold four public hearings in different regions of the state to solicit comment from municipal, or political subdivisions, and the public on proposed uniform standards and conditions to avoid, minimize or mitigate potential adverse environmental impacts from the siting, design, construction and operation of a major renewable energy facility."

2. Legislative objectives: Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act (L. 2020, c. 58, pt. JJJ, § 15), legislative objectives include establishing uniform standards and conditions for the siting, design, construction and operation of "major renewable energy facilities" within the jurisdiction of the ORES. Those facilities are defined in Executive Law Section 94-c(2)(h) as "any renewable energy system, as such term is defined in section sixty-six-p of the public service law as added by chapter one hundred six of the laws of two thousand nineteen, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants as defined under section two of the public service law, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system." The uniform standards and conditions should reflect the environmental benefits of renewable energy facilities while minimizing impacts to the surrounding community and environment. Meeting these objectives will be aided by soliciting comments from local governments and members of the public prior to adopting uniform standards and conditions.

3. Needs and benefits: The existing siting/permitting process for renewable energy facilities, which currently falls under Article 10 of the Public Service Law (PSL), is not tailored to renewable energy facilities. The existing process can be cumbersome and inefficient for such facilities.

These regulations will establish uniform standards and conditions to address issues common to the siting, design, construction and operation of major renewable energy facilities. While uniform standards and conditions applicable to all projects are vital for streamlining the siting/permitting process, site-specific conditions will also be imposed as necessary. The regulations will also implement the statutory consolidation of environmental review and permitting for major renewable energy facilities, further facilitating the expeditious review of such applications.

4. Costs: No direct costs are associated with the proposed regulations beyond those incurred under the current Article 10 process, as the requirement to avoid, minimize and mitigate environmental impacts is the same under both programs.

5. Local government mandates: No programs, services, duties or responsibilities will be imposed on local governments.

6. Paperwork: The proposed regulations are not expected to entail any significant additional paperwork for ORES, the industry, State agencies or local governments beyond that which is already required by the existing siting process under PSL Article 10.

7. Duplication: There are no relevant federal regulations that duplicate, overlap or conflict with the proposed regulations.

8. Alternatives: Since the regulations are statutorily mandated, no significant alternatives to their promulgation were considered.



9. Federal standards: Not applicable.

10. Compliance schedule: The rule sets forth uniform standards and conditions that will be included in siting permits to be issued by the ORES; as such, regulated entities will need to comply with the final issued permit. Establishing such uniform standards and conditions within the new siting/permitting process will expedite the review and approval processes and facilitate future compliance, as applicants will be on notice as to the applicable requirements for construction, operation and maintenance of major renewable energy facilities.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: Local governments are anticipated to be positively impacted by the promulgation of uniform standards and conditions regarding permitting of major renewable energy facilities within their jurisdiction, as the uniform standards and conditions are intended to minimize and mitigate environmental impacts of such facilities.

Small businesses are not expected to be subject to the regulations and are not anticipated to be impacted by the uniform standards and conditions.

2. Compliance requirements: No new compliance requirements will be imposed on local governments or small businesses, as the uniform standards and conditions will be applicable to siting permit recipients.

3. Professional services: The regulations will not require local governments or small businesses to obtain any professional services, as the uniform standards and conditions will be applicable to siting permit recipients.

4. Compliance costs: No costs are expected to be imposed on local governments or small businesses, as the uniform standards and conditions will be applicable to siting permit recipients.

5. Economic and technological feasibility: No costs or technological requirements will be imposed on local governments or small businesses, as the uniform standards and conditions will be applicable to siting permit recipients.

6. Minimizing adverse impact: The regulations will not have an adverse economic impact on local governments or small business, as they will not impose any substantive requirements on such entities; rather, they are intended to minimize and mitigate environmental impacts of major renewable energy facilities.

7. Small business and local government participation: The Office of Renewable Energy Siting started conducting pre-proposal, stakeholder outreach as soon as Executive Law Section 94-c went into effect. This included two public webinars held on April 29 and May 21, 2020 to discuss the scope and key considerations of this rulemaking. The Office of Renewable Energy Siting also notified and solicited feedback from trade associations representing local governments and small businesses. Prior to adopting the regulations, the Office of Renewable Energy Siting will hold several public hearings regarding the uniform standards and conditions in different regions of the State to solicit further comment from small business owners, municipalities and the public, in accordance with Executive Law Section 94-c(3)(b). Small businesses and local governments may also participate by submitting comments during the public comment period.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: The proposed regulations will apply statewide, including all rural areas of the State. Public and private sector interests in rural areas are not expected to be impacted any differently than public and private sector interests in suburban and metropolitan areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The uniform standards and conditions will apply to recipients of siting permits. As such, the proposed regulations will not impose reporting, recordkeeping or compliance requirements on, or require additional professional services from, local governments located in rural areas of the State.

3. Costs: Rural areas will not incur costs in relation to the inclusion of uniform standards and conditions in the new permitting/siting process, as the uniform standards and conditions will be applicable to siting permit recipients.

4. Minimizing adverse impact: Rural areas are anticipated to be positively impacted by the promulgation of uniform standards and conditions, because the proposed regulations are designed to minimize and mitigate potential adverse environmental impacts that could result from construction, operation and maintenance of major renewable energy facilities. In addition, the proposed regulations will encourage rural (and other) local governments and residents to participate in the siting/permitting process by requiring project applicants to: 1) consult with local governments and meet with potentially affected local community members at least sixty (60) days before filing an application; 2) provide notice of filing to persons residing within one mile of a proposed solar facility and five miles of a proposed wind facility; 3) serve electronic and paper copies of the filed application on local governments and libraries within the affected communities; and 4) publish newspaper notice of the application at least three days prior to filing.

5. Rural area participation: Opportunity for rural area participation in the rulemaking process will be available during the public comment period for the proposed regulations. Prior to adopting the regulations, the Office of Renewable Energy Siting will hold several public hearings on the proposed uniform standards and conditions in different regions of the State to solicit further comment from municipalities and the public, in accordance with Executive Law Section 94-c(3)(b). Rural governments may also participate by submitting comments during the public comment period.

#### **Job Impact Statement**

1. Nature of impact: The uniform standards and conditions are part of a broader regulatory program that will establish an expedited process for the siting and permitting of major renewable energy generation facilities. Accordingly, it is apparent that these regulations will not have a substantial adverse impact on jobs and employment opportunities. To the contrary, the regulations are anticipated to create new employment opportunities for residents of the state, including opportunities related to the construction, maintenance and operation of approved facilities. In addition, to the extent that non-resident temporary workers may be employed for planning, design and construction purposes, the regulations will support hospitality-related employment opportunities for residents of the state.

2. Categories and numbers affected: No adverse impacts on jobs or employment opportunities are expected.

3. Regions of adverse impact: No adverse impacts on jobs or employment opportunities are expected.

4. Minimizing adverse impact: No adverse impacts on jobs or employment opportunities are expected. Rather, as indicated above, the proposed regulations will likely create new opportunities related to construction, maintenance and operation of facilities, as well as opportunities in hospitality industries.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **Siting of Major Renewable Energy Facilities**

**I.D. No.** DOS-37-20-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Addition of Subparts 900-1 through 900-5 and 900-7 through 900-14 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 94-c(3)(g)

**Subject:** Siting of major renewable energy facilities.

**Purpose:** To establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities.

**Substance of proposed rule (Full text is posted at the following State website: [www.ores.ny.gov](http://www.ores.ny.gov)):** The creation of the first-in-the-nation Office of Renewable Energy Siting (ORES or Office) will serve to accelerate Governor Andrew M. Cuomo's aggressive clean energy and climate goals for New York. As a national leader in clean renewable energy and environmental protections, New York State has taken bold actions to combat climate change and lay a foundation for a more sustainable future for all New Yorkers. The Office will strengthen the State's clean energy agenda, including its commitment to obtain 70 percent of the state's electricity from renewable sources, as identified under the Climate Leadership and Community Protection Act. By supporting the development of large-scale renewable energy projects in a way that also ensures the protection of the State's valuable natural resources, such as its agricultural lands for the production of food and other agricultural products, and wetlands to protect and improve water quality, the Office will advance a cleaner, greener environment while fostering significant economic benefits and jobs to the State.

In accordance with Executive Law (EL) Section 94-c(3)(g), the Office is proposing a comprehensive set of regulations necessary to process applications for the siting, design, construction and operation of major renewable energy facilities, as defined at EL Section 94-c(2)(h). These proposed rules, which would be adopted as Subparts 900-1 through 900-5 and Subparts 900-7 through 900-14, contain provisions related to basic procedures for pre-application consultations with the ORES and other state agencies, filing, service and publication of notice of an application, the required contents of a complete application, requirements for applicants transferring from Article 10 or another alternate permitting process, the ORES's processing of an application, the establishment and administration of the local agency account, amending an application, notice and conduct of public hearings, issuance of a final determination by the ORES, submission and review of compliance filings, modification, transfer or relinquishment of permits, enforcement and other miscel-

aneous provisions, as detailed below. Promulgation of these rules would complement the proposed regulations for Subpart 900-6 that would adopt uniform standards and conditions that would be incorporated into draft permits issued by the Office for public comment.

Many of the proposed rules contained in this rulemaking are based on rules adopted by the Public Service Commission (PSC) or the New York State Department of Environmental Conservation (NYSDEC). Under Article 10 of the Public Service Law, the PSC and the relevant siting board has jurisdiction over the siting of major renewable energy facilities, as such facilities are major electric generating facilities. The PSC adopted regulations at 16 NYCRR Parts 1001, which contain the rules specifying the content of an application to site, construct and operate a major electric generating facility, and in developing these proposed rules, the ORES used the PSC rules as a baseline.

Similarly, because the Accelerated Renewable Energy Growth and Community Benefit Act (the “Act”) modified the hearing standard applicable to major renewable energy projects and now requires parties who wish to litigate issues to demonstrate such issues are substantive and significant, a legal test currently used by the NYSDEC, the rules at 6 NYCRR Part 624 served as a baseline for the hearing rules proposed for this new permitting process.

A more detailed summary of the express terms follows.

Section 900-1.1 specifies the purpose of the rules and the types of projects to which the rules apply and reflects the scope of the ORES’s authority as specified in the Act. The regulations would apply to applications for permits for the siting, design, construction, operation, and modification of major renewable energy facilities pursuant to EL Section 94-c. A major renewable energy facility is any renewable energy system with a nameplate generating capacity of twenty-five thousand kilowatts (kW) or more, and any co-located system storing energy generated from such a renewable energy system. It also includes electric transmission facilities less than ten miles in length at one hundred twenty-five kilovolts that provide access to load and/or integrate the generation facility into the state’s bulk electrical transmission system.

Section 900-1.2 contains definitions for all of Part 900, including proposed terms applicable to application processing and the adjudicatory process.

Section 900-1.3 provides details of the pre-application process and includes requirements for consultation with local agencies, public meetings, consultation with the ORES and the NYSDEC to review potential wetland, water, and wildlife impacts, and consultation with the ORES and the New York State Historic Preservation Office regarding archaeological resources.

Section 900-1.4 sets forth the requirements for a complete application for a siting permit, and coordination of processing applications for a water quality certification pursuant to Section 401 of the Clean Water Act.

Section 900-1.5 imposes a fee on the applicant to allow the ORES to recover the costs of reviewing an application in an amount equal to one thousand dollars for each 1,000 kilowatts of capacity, which shall be due at the time of application filing.

Section 900-1.6 addresses requirements for filing, service and publication of notice of an application. The applicant will be required to serve paper and/or electronic copies of the application on the ORES, regulatory agencies, municipalities, libraries in the affected communities and the Attorney General. In addition, notice must be published in a local newspaper provided to persons residing within one mile of a proposed solar facility and five miles of a proposed wind facility and provided to relevant members of the state legislature.

Subpart 900-2 contains the proposed requirements for the specific analyses and support for an application for a siting permit and describes what is expected in each of the twenty-five separate exhibits covering topics such as land use, consistency with energy planning objectives, real property, public health, safety and security, noise and vibration, cultural resources, endangered and threatened species, visual impacts, water quality and wetlands. Exhibits include, among other things, design goals (for example, noise limits for wind facilities) and specific measures to avoid, minimize and mitigate impacts to natural resources (such as wetlands and streams).

Subpart 900-3 describes how applications currently being processed under PSL Article 10 or another permitting process may transfer into the ORES siting process, as specifically authorized by the Act. This section provides that, for any matters and issues that have been identified and resolved in a prior proceeding, the siting permit will reflect such resolution and those provisions will not be the subject of any adjudicatory hearing conducted pursuant to EL Section 94-c. In addition, it provides that applications deemed complete under Article 10 will be deemed complete upon filing with the ORES.

Subpart 900-4 contains proposed timeframes and steps for the review of an application once filed and reflects the mandate for the ORES to make a determination of completeness within 60 days of receipt of an application.

If the ORES fails to make a determination within the required time frame, the application will be deemed complete. In the event of an incompleteness determination, the ORES shall identify the deficiencies in the application. The applicant shall have three months to identify a schedule to cure any deficiencies; otherwise, the ORES may deem the application withdrawn, without prejudice. Proposed Section 900-4.1 also describes how the Office’s decisions will be relayed to the public.

Subpart 900-5 proposes rules for the use of the local agency account, which contains funds available to local agencies and potential community intervenors for the review of applications filed with the Office. Local agencies, municipalities and community members may request funds from the local agency account within thirty days of the filing of a siting permit application. The ALJ will make a determination on such request for funding within thirty days of the deadline for submission of requests. Requests for reimbursement will be made to the ORES, and NYSEDA will release funds upon the direction of the ORES.

Subpart 900-7 proposes rules for amendment of an application and the impact of an amendment on the review of a pending application. Specifically, the proposed rules indicate that amendments may only be made prior to issuance of a notice of complete application. For a major amendment to an existing application, the proposed rules specify that the timeframes for review would run from the submission of the amendment.

Subpart 900-8 contains the Office’s proposed rules for the public comment period for draft permits issued by the ORES and the hearing process that would be available to resolve disputes between the Office and an applicant, and issues raised by potential parties. The proposed rules, which are based on 6 NYCRR Part 624, also detail the steps of the adjudicatory process and describe whether and how an issue raised during a public comment period may be adjudicated. This subpart addresses each stage of the hearing process beginning with the publication of the draft permit (Section 900-8.1), notice and content of the hearing (Section 900-8.2) and rules related to a public comment hearing and issues determination (Section 900-8.3). The draft rules in Section 900-8.4 provide a process for potential parties to seek party status and raise issues for adjudication. The proposed rules provide definitions for the terms “substantive” and “significant,” which constitute the legal standard for adjudication.

Section 900-8.5 proposes general rules of practice for actions such as service of documents, motion practice and expedited appeals. Section 900-8.6 provides proposed rules for disclosure, motions for protective orders and submission of pre-filed testimony. Sections 900-8.7 addresses the order of events for an adjudicatory hearing and describes the powers of an administrative law judge presiding over a hearing. Section 900-8.8 contains proposed rules governing the submission of evidence, assigning the burden of proof and establishing the standard of proof in an adjudicatory hearing.

Proposed Section 900-8.9 provides proposed rules to address the potential for ex parte communications. Section 900-8.10 provides that the costs of any adjudicatory hearing are the responsibility of the applicant. The proposed rulemaking also addresses the contents of the record of the hearing (Section 900-8.11), and details how the final decision of the administrative law judge will be incorporated into a recommended decision and hearing report and accompanied by a summary of the comments received from the public (Section 900-8.12).

Subpart 900-10 proposes the compliance filing process that would be required subsequent to issuance of a siting permit by the Office. More specifically, Section 900-10.1 addresses the timing of approvals of filings, Section 900-10.2 identifies pre-construction compliance filings and Section 900-10.3 describes post-construction filings that would be required.

Subpart 900-11 addresses permit modifications, transfers of issued permits and relinquishment of permits. Specifically, the draft rules propose a process for modifying permits issued by the Office, including modifications requested by the applicant and modifications initiated by the ORES. The draft rules contain timeframes for review and address the need for additional hearings.

Subpart 900-12 proposes rules for the enforcement of permits issued by the ORES, provides the ORES and the New York State Department of Public Service with stop-work authority in the event of noncompliance with an issued permit condition and describes a process for lifting a stop-work order.

Finally, Subpart 900-13 contains a severability provision, Subpart 900-14 contains the effective date of the proposed rules and Subpart 900-15 provides a list of documents incorporated by reference into Part 900.

**Text of proposed rule and any required statements and analyses may be obtained from:** Houtan Moaveni, Deputy Executive Director, New York State Office of Renewable Energy Siting, 99 Washington Avenue, Albany, New York 12231-0001, (518) 949-0798, email: General@Ores.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.



**Regulatory Impact Statement**

1. Statutory authority: Executive Law Section 94-c provides the Office of Renewable Energy Siting (ORES or the Office) with jurisdiction over the permitting of major renewable energy facilities, which includes oversight of the siting and construction of such facilities, modifications of issued permits and enforcement of issued permit conditions.

Executive Law Section 94-c(3)(f) and 94-c(4)(d) provides the Office, by and through the Executive Director, with authority to conduct hearings and dispute resolution proceedings and provides specific authority to adopt rules, regulations and procedures necessary to exercise such authority.

Executive Law Section 94-c(3)(g) requires the Office to promulgate rules and regulations regarding all necessary requirements to implement the siting permit program.

Executive Law Section 94-c(7)(a) requires applicants to submit a fee to serve as a local agency account available to local government or local citizens to participate in the review and adjudication of a permit application and authorizes the Office to promulgate regulations specifying how funds should be dispersed.

Executive Law 94-c(7)(d) authorizes the Office to promulgate rules specifying that the Office may assess a fee to recover the costs of reviewing applications for major renewable energy facilities.

2. Legislative objectives: Legislative objectives of the Accelerated Renewable Energy Growth and Community Benefit Act (L. 2020, c. 58, pt. JJJ, § 15) (the Act) include establishing procedural and substantive requirements for the preparation, submission and processing of permit applications for “major renewable energy facilities” within the jurisdiction of the ORES. Such facilities are defined in Executive Law Section 94-c(2)(h) as “any renewable energy system, as such term is defined in section sixty-six-p of the public service law as added by chapter one hundred six of the laws of two thousand nineteen, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants as defined under section two of the public service law, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state’s bulk electric transmission system.”

The overarching legislative objective is to take action to achieve certain targets established by the Climate Leadership and Community Protection Act (CLCPA), which establishes a framework to accelerate the State’s development of clean energy and achieve the State’s goal of reaching net zero greenhouse gas emissions. CLCPA targets include: limiting statewide greenhouse gas emissions by 40% by the year 2030 and 85% by the year 2050, as measured against 1990 emissions levels; generating 70% of the State’s electricity from renewable resources by 2030 and 100% by 2040; and requiring the State’s load-serving entities to procure 6 gigawatts (GW) of photovoltaic solar generation by 2025 and 3 GW of energy storage by 2030.

Specific legislative objectives of the ORES siting permit program include: 1) enabling timely and cost-effective siting of renewable energy generation projects, which includes consideration of local laws, if any, concerning the environment, local land use, and public health and safety, and ensuring that a proposed project avoids or minimizes, to the maximum extent practicable, adverse environmental impacts; 2) developing uniform permit standards and conditions applicable to classes and categories of renewable energy facilities in order to expedite consideration of common siting conditions while minimizing impacts on communities and the environment (such uniform standards and conditions for the siting, construction, expansion and operation of major renewable energy facilities are the subject of a separate rulemaking); and 3) implementing the State’s policy to protect, conserve and recover endangered and threatened species, and establishing additional mechanisms to ensure, as applicable on a case-by-case basis, a net conservation benefit to endangered or threatened species that may be impacted by the construction or operation of major renewable energy facilities.

3. Needs and benefits: The regulations will implement the statutorily-mandated consolidation of environmental review and permitting for major renewable energy facilities and are necessary to carry out the statutory objectives of the Act. The regulations, among other things, will create an expeditious single-permit process for major renewable energy facilities, which takes into account environmental, local land use, and public health and safety laws, and minimizes adverse environmental impacts to the maximum extent practicable. The regulations will also require the service of applications on affected local governments simultaneously with submission of the application to the ORES, further enabling municipalities to actively participate in the review/permitting process. The regulations will provide the regulated community with greater certainty over the contents of an application for a permit and will provide all involved stakeholders with a process for identifying issues for adjudication and conduct of any required hearings.

The proposed rules provide measurable benefits over the existing siting/permitting process for major renewable energy facilities, which currently falls under Article 10 of the Public Service Law (PSL). The Article 10 review process is not tailored to renewable energy facilities and can be cumbersome and inefficient for renewable energy facility applications due to the need to adjudicate every application. The proposed rules include streamlined application requirements, and a new adjudicatory process that implements the hearing standard contained in the Act.

4. Costs: Executive Law Section 94-c(7)(a) requires siting applicants to pay into a local agency account a fee of one thousand dollars per thousand kilowatts capacity of the proposed facility and authorizes the Office to adjust such fee from time to time to account for inflation. Executive Law 94-c(7)(d) also authorizes the Office to assess a fee to recover the costs of reviewing and processing an application for a major renewable energy facility permit, which the regulations would set at one thousand dollars per thousand kilowatts capacity.

The costs to the applicant associated with preparing an application and obtaining a siting permit pursuant to the regulations are anticipated to be equal to or less than costs currently incurred under the existing Article 10 application process. This is due to numerous procedural improvements contained in the draft rules that streamline the application development and review process over the current siting process. Regulated industries are already required to submit substantial application packages under PSL Article 10. The proposed regulations provide clear guidance for defining natural resources early in the design process, set forth methodologies for assessment of impacts, and provide detailed mitigation requirements for certain categories of impacts. In addition, the Act requires the development of uniform standards and conditions that will be applicable to all solar and land-based wind facilities, which should reduce the number of issues that will require adjudication. It is anticipated that such reduction in time and associated costs will balance or exceed the application processing fee. In addition, the lengthy hearing process under Article 10 requires applicants to expend significant time and costs, including attorney, consultant and expert fees, which should be greatly reduced under the new permitting process, since adjudicatory hearings would only be necessary if a proposed party raises an issue that is both substantive and significant.

Under Article 10, applicants must contribute multiple rounds of intervenor funding, whereas the Act requires a single payment to cover the costs associated with local agency and community intervenor participation in the entire process. The regulations impose hearing costs on an applicant, including the costs of notice publication, hearing location, and transcripts, that are not imposed on applicants under the existing Article 10. However, Executive Law Section 94-c does not impose the Article 10 pre-application fee of three hundred fifty dollars per thousand kilowatts of capacity (i.e., the first round of intervenor funding). The costs associated with hearings under the regulations are expected to be no more than and, depending on the capacity of the facility, significantly less than, the pre-application fee that would be assessed under Article 10.

The costs expended by the ORES for reviewing and processing applications will be recovered through the imposition of the fee provided for in the Act. Other state agencies that would typically devote significant time and resources during the Article 10 proceeding have been consulted in the development of the application requirements and uniform standards and conditions. Although the ORES will continue to consult with other state agencies as necessary, it is anticipated that the demand for such agency resources will be reduced by establishing clear guidelines for applications and uniform standards and conditions. As discussed below, local governments are not expected to incur significant additional costs.

5. Local government mandates: Host communities are required to submit a statement as to the proposed facility’s compliance with local laws. The costs associated with the preparation of such statement, as well as any additional local government participation in the siting/permitting process may be reimbursed by the applicant funds deposited in the Local Agency Account in accordance with Executive Law Section 94-c(7). Accordingly, local governments are not expected to incur significant costs associated with their compliance with the regulations or their participation in the permitting process.

6. Paperwork: The proposed regulations are not expected to entail additional paperwork for the ORES, the regulated community, or State and local governments beyond the amount of paperwork currently required by the existing siting process under PSL Article 10. Paperwork requirements may be reduced under the process set forth in the regulations.

7. Duplication with federal legal requirements: No relevant federal regulations duplicate, overlap or conflict with the proposed regulations.

8. Alternatives: Throughout the development of the rules, the existing regulations at 16 NYCRR Parts 1000 through 1003 served as a baseline from which the ORES identified whether process improvements could be made in order to make the review of an application more efficient, timely and cost-effective. For instance, 16 NYCRR Part 1001 provides a list of forty-one different exhibits that comprise an application for a certificate of

environmental compatibility and public need under PSL Article 10. From this list, the Office refined the application requirements and the proposed rules in 19 NYCRR Subpart 900-2 contains twenty-five exhibits in total, which will reduce the cost and complexity of developing an application for a siting permit. The Act indicates that until the ORES adopts application requirements of its own, applicants for a siting permit should continue to use the application requirements promulgated pursuant to PSL Section 164. In this regard, the ORES could have simply adopted the exhibits required pursuant to 16 NYCRR Part 1001, but this option was rejected because the overall purpose of the act is to provide a more efficient siting process tailored to renewable energy facilities. Using an identical list of exhibits that contained all of the same content would not have furthered the objectives of the statute and would not have relieved the regulated community from a regulatory burden. In addition, the no action alternative was not considered since the promulgation of rules necessary to review and issue siting permits is statutorily required.

9. Federal standards: There are no federal regulations that specifically apply to the siting of solar and wind-powered renewable energy facilities, but to the extent such facilities trigger the need for a federally delegated permit, the Act indicates that such permits would be issued by the New York State Department of Environmental Conservation as the state entity delegated the authority to issue such permit by the relevant federal agency. Moreover, to the extent that a proposed major renewable energy facility requires a water quality certification pursuant to Section 401 of the Clean Water Act, the regulations provide the regulated community with a process to obtain such certification from the ORES.

10. Compliance schedule: The review and permitting process set forth in the regulations will take significantly less time than the existing Article 10 process, as the Act imposes strict time frames for the achievement of various milestones and requires that permits be issued within one year from the date on which an application is deemed complete by the ORES (or within six months if the facility is proposed to be located on brownfield, former commercial or industrial, landfill, former power plant, and abandoned or underutilized sites). Once promulgated, the regulated community would be required to comply with the proposed rules upon adoption.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: Local governments, which may be impacted by new siting and permitting processes for major renewable energy facilities, are anticipated to be impacted positively by the inclusion of requirements regarding, among other things, advance applicant notification to and consultation with local governments, and local government participation in the application review process. Small businesses are not anticipated to be impacted by the regulations.

2. Compliance requirements: Host communities are required to submit a statement as to the proposed facility's compliance with local laws. As discussed below, the costs associated with the preparation of such statement may be reimbursed by the applicant funds deposited in the Local Agency Account in accordance with Executive Law Section 94-c(7). Accordingly, local governments are not expected to incur significant costs associated with their compliance with the regulations or their participation in the permitting process. No new compliance requirements will be imposed on small businesses.

3. Professional services: The regulations will not require local governments to obtain any professional services and, as noted below, if they choose to retain such services to assist in their participation in the permitting process, such costs could be reimbursed from the Local Agency Account. Small businesses will not be required to procure any professional services as a result of the regulations.

4. Compliance costs: Host communities are required to submit a statement as to the proposed facility's compliance with local laws. The costs associated with the preparation of such statement, as well as any additional voluntary local government participation in the siting/permitting process may be reimbursed by the applicant funds deposited in the Local Agency Account in accordance with Executive Law Section 94-c(7). Accordingly, local governments are not expected to incur significant costs associated with their compliance with the regulations or their participation in the permitting process.

No costs will be imposed on small businesses.

5. Economic and technological feasibility: As the costs incurred by local governments could be reimbursed through the Local Agency Account, compliance with the requirements of and participation in the new siting and permitting process will be economically feasible. Compliance with the regulations is technically feasible, as it does not require any specialized resources not already commonly available. As noted above, the rule is not anticipated to impact small businesses.

6. Minimizing adverse impact: The regulations will minimize potential economic impacts on local governments by, among other things, requiring applicants to notify and consult with potentially impacted communities prior to application filing, and enabling local governments to participate in

the review process and to apply for reimbursement for costs incurred by such participation. A Local Agency Account will be established and funded for such purposes in accordance with Executive Law Section 94-c(7). Small businesses are not expected to be impacted by the regulation.

7. Small business and local government participation: The Office of Renewable Energy Siting began conducting pre-proposal, stakeholder outreach as soon as Executive Law Section 94-c went into effect. This outreach has included two public webinars held on April 29 and May 21, 2020 to discuss the scope and key considerations of this rulemaking. The Office of Renewable Energy Siting also notified and solicited feedback from trade associations representing local governments and small businesses. Small businesses and local governments may also participate during the public comment period of the proposed regulations.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: The proposed regulations will apply statewide, including all rural areas of the State. Public and private sector interests in rural areas are not expected to be impacted any differently than public and private sector interests in suburban and metropolitan areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: Host communities are required to submit a statement as to the proposed facility's compliance with local laws. As discussed below, the costs associated with the preparation of such statement may be reimbursed by the applicant funds deposited in the Local Agency Account in accordance with Executive Law Section 94-c(7). Accordingly, rural local governments are not expected to incur significant costs associated with their compliance with the regulations or their participation in the permitting process.

3. Costs: As noted above, while rural governments may incur costs associated with the preparation of the required statement of compliance with local laws, such costs may be eligible for reimbursement through the Local Agency Account created pursuant to Executive Law Section 94-c(7). Should rural governments choose to participate in the review of and provide comments on a draft siting permit and/or participate in an adjudicatory hearing, the costs associated therewith would similarly be eligible for such reimbursement. Rural area costs are not expected to vary from costs in suburban and metropolitan areas.

4. Minimizing adverse impact: The proposed regulations are designed to minimize potential adverse environmental impacts that could result from construction and operation of major renewable energy generation facilities subject to the new process. In addition, the proposed regulations will encourage rural (and other) local governments and residents to participate in the siting/permitting process by requiring project applicants to: 1) consult with local governments and meet with potentially affected local community members at least 60 days before filing an application; 2) provide notice of filing to persons residing within one mile of a proposed solar facility and five miles of a proposed wind facility; 3) serve both electronic and paper copies of the filed application on local governments and libraries within the affected communities; and 4) publish newspaper notice of the application at least three days prior to filing.

5. Rural area participation: Opportunity for rural area participation in the rulemaking process will be available during the public comment period of the proposed regulations.

#### **Job Impact Statement**

1. Nature of impact: Given that the proposed regulations will establish an expedited process for the siting and permitting of major renewable energy generation facilities, it is apparent that the regulations will not have a substantial adverse impact on jobs and employment opportunities. To the contrary, the regulations could only have a positive impact on jobs and employment opportunities. The regulations are anticipated to create new employment opportunities for residents of the state, including opportunities related to the construction, maintenance and operation of approved facilities. In addition, to the extent that non-resident temporary workers may be employed for planning, design and construction purposes, the regulations will support hospitality-related employment opportunities for residents of the state.

2. Categories and numbers affected: No adverse impacts on jobs or employment opportunities are expected.

3. Regions of adverse impact: No adverse impacts on jobs or employment opportunities are expected.

4. Minimizing adverse impact: No adverse impacts on jobs or employment opportunities are expected. Rather, as described above, the proposed regulations are expected to create new opportunities related to construction, maintenance and operation of facilities, as well as opportunities in hospitality industries.

# State University of New York

## EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Appointment of Employees' Eligibility

**I.D. No.** SUN-37-20-00002-EP

**Filing No.** 503

**Filing Date:** 2020-08-27

**Effective Date:** 2020-08-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Amendment of section 335.4(d) of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 353 and 355

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** The COVID-19 disease outbreak has caused significant disruption to the careers of SUNY faculty, and most significantly to those faculty working toward achievement of continuing appointment (tenure). Given this significant disruption, SUNY has reached an agreement with the United University Professions (UUP) to allow for a one-time, added year of service for all current non-tenured faculty in these academic ranks. Amendment of these regulations needs to proceed on an emergency basis in the face of the ongoing public health crisis to provide necessary flexibility to our faculty in this uncertain time.

**Subject:** Appointment of Employees' Eligibility.

**Purpose:** To allow for the addition of one year to the service limits for current faculty to attain continuing appointment.

**Text of emergency/proposed rule:** Section 335.4(d). Eligibility.

(4) Each employee who as of May 6, 2020 is currently serving in a position of academic rank who has not yet attained continuing appointment status, and who is not currently under review, shall have an automatic one-year extension of the time to continuing appointment without change in title, full-time equivalent or other employment status. Any employee in a position of academic rank who has not yet attained continuing appointment status may opt out of the automatic one-year extension referenced above and be considered for continuing appointment based on their original schedule by submitting a request, in writing, to their Department Chair, with copy to their Dean and Provost. Timelines for such submission shall be determined at each campus. These provisions shall not apply to any employee in a position of academic rank who has already been provided with a notice of non-renewal.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 24, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Lisa S. Campo, State University of New York, State University Plaza, Albany, NY, (518) 320-1400, email: Lisa.Campo@SUNY.edu

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

### Regulatory Impact Statement

1. Statutory authority: Education Law §§ 353 and 355 authorizes the State University Trustees to make rules and regulations relating to appointment of employees.

2. Legislative objectives: The present measure makes amendments to the State University of New York regulations regarding appointment of employees.

3. Needs and benefits: Given the significant disruption caused by the COVID-19 disease outbreak, the amendments are necessary to provide necessary flexibility to our faculty in this uncertain time, and to comply with an agreement with the United University Professions (UUP) to allow for a one-time, added year of service for all current non-tenured faculty in these academic ranks.

4. Costs: None.

5. Local government mandates: None.

6. Paperwork: None.

7. Duplication: None.

8. Alternatives: There are no viable alternatives.

9. Federal standards: There are no related Federal standards.

10. Compliance schedule: Compliance should be immediate.

### Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

### Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

### Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs appointment of employees for State University of New York and will not have any adverse impact on the number of jobs or employment.

# Triborough Bridge and Tunnel Authority

## NOTICE OF ADOPTION

### To Establish a New Crossing Charge Schedule for Use of Bridges and Tunnels Operated by TBTA

**I.D. No.** TBA-26-20-00001-A

**Filing No.** 509

**Filing Date:** 2020-09-01

**Effective Date:** 2020-09-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of section 1021.1; and addition of new section 1021.1 to Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, section 553(5)

**Subject:** To establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA.

**Purpose:** To provide for the implementation of split tolling at TBTA's Verrazzano-Narrows Bridge as required by Federal Law.

**Text or summary was published** in the July 1, 2020 issue of the Register, I.D. No. TBA-26-20-00001-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Julia R. Christ, Acting Sr. Vice President and General Counsel, Triborough Bridge and Tunnel Authority, 2 Broadway, 24th Floor, New York, NY 10004, (646) 841-3042, email: jchrist@mtabt.org

### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.



## HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-33-20-00007-P .....	Emissions Limits for 2030 and 2050, as a Percentage of 1990 Levels, Required by Climate Leadership and Community Protection Act	<p>Electronic webinar—Oct. 20, 2020, 2:00 p.m. and 6:00 p.m.</p> <p>A public comment hearing webinar for the proposed rule will be held before Administrative Law Judge (ALJ) Molly T. McBride via electronic webinar as follows and, accordingly, is reasonably accessible to persons with impaired mobility.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published in the Department’s electronic Environmental Notice Bulletin (ENB), and posted on the Department’s events calendar and proposed regulations webpage by Wednesday, October 7, 2020. The Department’s ENB may be accessed at <a href="https://www.dec.ny.gov/enb/enb.html">https://www.dec.ny.gov/enb/enb.html</a>. The Department’s events calendar may be accessed at <a href="https://www.dec.ny.gov/calendar/">https://www.dec.ny.gov/calendar/</a>. The proposed regulations webpage for Part 496 may be accessed at <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a>.</p> <p>Persons who wish to receive email instructions on how to join the hearing webinar via Webex may register at <a href="https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341">https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341</a>. Persons who wish to receive the instructions by mail or telephone may call the Department at 518-402-9003. Please provide your first and last name, address, and telephone number and reference the Part 496 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than October 9, 2020. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>.</p>
<b>Lake George Park Commission</b>		
LGP-29-20-00006-P .....	Amendment of Stormwater Regulations Within the Lake George Park	Fort William Henry, 48 Canada St., Lake George, NY—September 22, 2020, 4:00 p.m.
<b>Long Island Power Authority</b>		
LPA-37-20-00008-P .....	Authority’s Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service	<p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.</p>
LPA-37-20-00009-P .....	Consolidated Billing for Community Distributed Generation	<p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.</p>
LPA-37-20-00010-P .....	To Modify the RDM and DSA to Address the	

	Unforeseen Impact of COVID-19	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.  H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00011-P .....	New Optional TOU Rates as Proposed in PSEG Long Island's 2018 Utility 2.0 Filing and Subsequent Filing Updates	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.  H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00012-P .....	Authority's Implementation of Public Service Law Section 66-p in the Tariff for Electric Service	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.  H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00013-EP .....	Terms of Deferred Payment Agreements Available to LIPA's Commercial Customers	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m.  H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
<b>State, Department of</b>		
DOS-37-20-00016-P .....	Siting Permits for Major Renewable Energy Facilities	Jacqueline Vito LoRusso Alumni & Visitor Center, SUNY Buffalo State, 667 Grant St., Buffalo, NY—November 17, 2020, 5:00 p.m.*  Rochester City Hall, City Council Chambers, 30 Church St., Rochester, NY—November 18, 2020, 5:00 p.m.*  Clayton Opera House, 405 Riverside Dr., Clayton, NY—November 19, 2020, 5:00 p.m.*  McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy, NY—November 20, 2020, 5:00 p.m.*  Suffolk County Legislature - William H. Rogers Building, Rose Y. Caracappa Auditorium, 725 Veterans Memorial Hwy., Smithtown, NY—November 23, 2020, 5:00 p.m.*  To register for in-person public statement hearings: Any person wishing to comment on the proposed regulations on the record at the in-person hearings must register by sending an email to General@Ores.ny.gov no later than 5 P.M. on Friday, November 13, 2020. The Administrative Law Judge will use a registration list to call each person who has requested to provide a statement. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearings will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

#### Virtual Public Statement Hearings

Electronic Access: [www.webex.com](http://www.webex.com), Event Number: 173 227 2771, Password: 11.24PSH, Phone Access: 518-549-0500, Access Code: 173 227 2771—November 24, 2020, 5:00 p.m.\*

Electronic Access: [www.webex.com](http://www.webex.com), Event Number: 173 845 2365, Password: 11.30PSH, Phone Access: 518-549-0500, Access Code: 173 845 2365—November 30, 2020, 5:00 p.m.\*

To register for virtual public statement hearings electronically: Participants who would like login to a hearing electronically to provide a statement must register to do so by visiting [www.webex.com](http://www.webex.com) by November 20, 2020, clicking “Join” at the top right-hand corner of the screen, and entering the appropriate event number listed above, and providing all requested information.

When logging in to a hearing on the appropriate date and time of the hearing, participants should visit [www.webex.com](http://www.webex.com), click “Join” at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to “select audio system.” It is recommended that participants opt to have the system “call me” or “call using computer.” The “call me” option will require participants to enter their phone numbers.

To register for virtual public statement hearings by phone: Any participant who is not able to login to a hearing electronically may participate by phone. Call-in participants wishing to provide a statement must register to do so by November 20, 2020 by calling 1-800-342-3330, where they should follow prompts to the appropriate hearing and provide the following information: first and last name, address, and phone number. On the appropriate date and time of a hearing, all call-in users should dial (518) 549-0500 and enter the relevant access code listed above to join the hearing.

All electronic and call-in participants will be muted upon entry into the hearing. The Administrative Law Judge will call each person who has requested to provide a statement to speak. Each public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Time limits may be set for each speaker as necessary. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearing will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

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\*In the event that a public statement hearing needs to be canceled, rescheduled or postponed, notification of any changes will be available at the ORES Web Site ([www.ores.ny.gov](http://www.ores.ny.gov)).



## ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(\*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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### AGING, OFFICE FOR THE

*AGE-34-19-00014-P	12/03/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State
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### AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-12-20-00006-P	03/25/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-20-00002-P	05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products
AAM-27-20-00001-EP	07/08/21	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA and WV from entering NYS

### ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-19-20-00001-P	05/13/21	General service standards applicable to outpatient substance use disorder programs	To set-forth the minimum regulatory requirements for certified outpatient substance use disorder treatment programs.
ASA-28-20-00013-P	07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00014-P	07/15/21	Specialized Services	To replace the term "chemical dependence" with "addiction"
ASA-28-20-00016-P	07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-46-19-00002-P	12/03/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-24-20-00014-EP	06/17/21	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.
CFS-31-20-00001-EP	08/05/21	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers
CFS-36-20-00001-EP	09/09/21	Define “non-school hours” and “those periods of the year in which school is not in session”	To include virtual and/or remote learning as in school hours
CFS-36-20-00003-P	09/09/21	Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency	Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-51-19-00014-P	..... 12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	..... 01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	..... 01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	..... 01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	..... 01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	..... 01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	..... 02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	..... 02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	..... 02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	..... 02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	..... 02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	..... 02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	..... 02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	..... 02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	..... 04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	..... 04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	..... 04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	..... 04/01/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	..... 04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	..... 04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	..... 04/01/21	Jurisdictional Classification	To classify positions in the exempt class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class

**CORRECTION, STATE COMMISSION OF**

*CMC-35-19-00002-P	12/03/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
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**CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF**

*CCS-21-19-00014-P	09/05/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
*CCS-35-19-00001-RP	12/03/20	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
*CJS-30-19-00010-ERP	12/03/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-09-20-00007-RP	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDV-37-20-00003-P	09/16/21	Excelsior Jobs program	Update regulations to include newly enhanced tax credits for green economy projects
<b>EDUCATION DEPARTMENT</b>			
*EDU-17-19-00008-P	12/03/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-27-19-00010-P	12/03/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-11-20-00013-RP	03/23/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-16-20-00002-ERP	04/22/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00004-P	06/24/21	Alternative High School Equivalency Preparation and Alternative Transition Programs	To provide expanded access to and update Alternative High School Equivalency Preparation and Alternative Transition Programs
EDU-25-20-00005-EP	06/24/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00006-EP	06/24/21	Licensing Examinations in the Profession of Public Accountancy	Conform the Commissioner's Regulations to the national licensing examination standards in public accountancy
EDU-25-20-00007-EP	06/24/21	Professional Student of Nursing	To implement Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-25-20-00008-EP	06/24/21	Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics	To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition
EDU-30-20-00002-P	07/29/21	Creating a transitional J Certificate for Military Spouses	To create a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces
EDU-30-20-00003-P	07/29/21	Creating Safety Nets for the Arts Content Specialty Tests (CSTs)	To create a safety net for the Arts Content Specialty Tests (CSTs)
EDU-30-20-00004-EP	07/29/21	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
EDU-30-20-00005-P	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
ERD-19-20-00012-P	05/13/21	CO2 Allowance Auction Program	Continued administration and implementation of the CO2 allowance auctions and programs under Part 507
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
*ENV-36-19-00003-P	12/03/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-P	12/03/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.
ENV-17-20-00005-P	04/29/21	The above referenced Parts make up the Department's air pollution control permitting program.	The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program
ENV-17-20-00006-P	04/29/21	Emission Statements	The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.
ENV-17-20-00007-P	04/29/21	CO2 Budget trading program	To lower the emissions cap established under Part 242.
ENV-21-20-00003-EP	05/27/21	Regulations governing the recreational harvest of bluefish	To revise regulations concerning the recreational harvest of bluefish in New York State
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-33-20-00007-P	10/20/21	Emissions limits for 2030 and 2050, as a percentage of 1990 levels, required by Climate Leadership and Community Protection Act	To limit greenhouse gas emissions that endanger public health and the environment
ENV-36-20-00002-P	09/09/21	Deer Hunting Seasons	Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-33-19-00004-RP	01/03/21	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
DFS-43-19-00017-P	12/03/20	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-27-20-00002-P	07/08/21	Mental Health and Substance Use Disorder Treatment Parity Compliance Program	To establish mental health and substance use disorder parity compliance program requirements
DFS-36-20-00007-P	09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-22-20-00008-P	06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government
SGC-22-20-00009-P	06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
SGC-33-20-00006-P	08/19/21	Agency rule for the protection of trade secrets submitted to the Gaming Commission	To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00002-P	09/02/21	Addition of feature to the Quick Draw lottery game called "Money Dots"	To raise additional revenue for education
SGC-35-20-00003-P	09/02/21	Triple wager in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00004-P	09/02/21	Restricting NSAID use in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing
SGC-35-20-00005-P	09/02/21	Furosemide use and practice	To enhance horse racing in New York and generate reasonable revenue for the support of government
SGC-35-20-00006-P	09/02/21	Jackpot Super High Five wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00007-P	09/02/21	EIPH protections for Thoroughbred horses	EIPH protections for Thoroughbred horses
SGC-35-20-00008-P	09/02/21	Medical fitness of Thoroughbred horse riders and Steeplechase jockey licensing	To improve the health and safetyThoroughbred pari-mutuel racing
SGC-35-20-00009-P	09/02/21	Backstretch housing standards at racetracks	To enhance the integrity of racing and safety of pari-mutuel racing
SGC-35-20-00010-P	09/02/21	Log of drugs administered by Thoroughbred horse trainers	To enhance the integrity and safety of thoroughbred horse racing
SGC-35-20-00011-P	09/02/21	Pick-six jackpot wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00012-P	09/02/21	Restrictions on wagering by key employees of casino vendors	To maintain the integrity of the gaming facilities
SGC-35-20-00014-P	09/02/21	Amend the out-of-competition testing rule for thoroughbred racing	To enhance the integrity and safety of thoroughbred horse racing
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	10/05/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-40-19-00004-P	10/05/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-46-19-00003-P	11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-51-19-00001-P	12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-11-20-00003-P	03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00005-P	07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-27-20-00007-P	07/08/21	Development of Mental Health and Substance Use Disorder Parity Compliance Programs	To establish standards for a mental health and substance use disorder parity compliance program
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-31-20-00012-EP	..... exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-32-20-00002-EP	..... 08/12/21	Controlled Substances	To ensure access to medicine that was formerly classified as a controlled substance
HLT-32-20-00007-EP	..... exempt	Upper Payment Limit (UPL) Rate Add-ons	To include UPL rate add-ons in the rates of payment for acute, specialty long term care acute and emergency department services.
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
*HCR-21-19-00019-P	..... 12/03/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HCR-26-20-00012-EP	..... 09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
<b>HOUSING FINANCE AGENCY</b>			
*HFA-21-19-00020-P	..... 12/03/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
JPE-28-20-00031-P	..... 07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-P	..... 07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
<b>LABOR, DEPARTMENT OF</b>			
LAB-46-19-00004-P	..... 12/03/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
<b>LAKE GEORGE PARK COMMISSION</b>			
LGP-29-20-00006-P	..... 09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
<b>LAW, DEPARTMENT OF</b>			
LAW-15-20-00017-P	..... 04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	..... 04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00008-P	exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-37-20-00009-P	exempt	Consolidated billing for community distributed generation	To modify the Tariff to offer consolidated billing options for community distributed generation consistent with the NY PSC
LPA-37-20-00010-P	exempt	To modify the RDM and DSA to address the unforeseen impact of COVID-19.	To modify the Tariff to mitigate high bill impacts and allow for additional expense recovery related to a state of emergency.
LPA-37-20-00011-P	exempt	New optional TOU rates as proposed in PSEG Long Island's 2018 Utility 2.0 Filing and subsequent filing updates.	To incorporate best practices in TOU rate design, reduce peak load, and offer customers new rate options.
LPA-37-20-00012-P	exempt	The Authority's implementation of PSL § 66-p in the Tariff for Electric Service.	To update the Tariff to provide access to historical electric charges billed to a rental property.
LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers.	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND RAILROAD COMPANY</b>			
LIR-20-20-00005-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
MBA-20-20-00002-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
<b>MEDICAID INSPECTOR GENERAL, OFFICE OF</b>			
MED-28-20-00029-P	07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
OMH-12-20-00003-P	03/25/21	Uncompensated care funds issued pursuant to the Indigent Care Program.	To ensure the appropriate allocation of uncompensated care funds.
<b>METRO-NORTH COMMUTER RAILROAD</b>			
MCR-20-20-00004-EP	05/20/21	The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-28-20-00001-P	07/15/21	Limited Use Vehicles - Equipment	Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles
MTV-28-20-00002-P	07/15/21	Safety Criteria for Registration - Motorcycles	removes an obsolete, unnecessary requirement for seat height on motorcycles
MTV-28-20-00030-P	07/15/21	Dealer and transporters -procedures used for certificates of sale	makes minor technical change removing an obsolete reference and conforms regulation with federal regulation
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
NTA-20-20-00001-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-29-20-00001-P	..... 07/22/21	Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region	To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-29-20-00002-EP	..... 07/22/21	Operating Certificates	Outlines the required operating certificates for providers who intend to provide care coordination sand crisis intervention
PDD-35-20-00001-P	..... 09/02/21	Medication regimen review	Provides increased flexibility for providers
PDD-37-20-00004-EP	..... 09/16/21	Day Habilitation Duration	to help providers maintain capacity to operate during the public health emergency
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDfC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
*PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
*PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
*PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
*PSC-36-19-00011-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
PSC-06-20-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00016-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-06-20-00017-P	..... exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-09-20-00002-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-20-00005-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-09-20-00006-P	..... exempt	Petition for the use of an electric meter in submetering applications.	Whether to permit the use of the GG electric meter in submetering applications in New York State.
PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.
PSC-11-20-00011-P	..... exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-12-20-00010-P	..... exempt	Direct Energy, LLC's Green Gas Products.	To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.
PSC-13-20-00006-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-16-20-00003-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-16-20-00005-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00006-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00007-P	..... exempt	Proposed plan to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00008-P	..... exempt	Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-16-20-00009-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00011-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-17-20-00008-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers.
PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00014-P	..... exempt	Tariff modifications to reduce customer costs related to relocating customer owned equipment for back-lot service relocations.	To facilitate the relocation of service lines owned by customers from the back of their lots to the front.
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
PSC-21-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-21-20-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.
PSC-22-20-00006-P	..... exempt	Proposed tariff amendment regarding the billing of customers participating in the Preservation Power Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-20-00006-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York.
PSC-23-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-23-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers.
PSC-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00017-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00019-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's operation and maintenance of the SUSS and muni agreements.	To review a contract to operate, maintain and modernize the SUSS and three municipal road use agreements.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00013-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-25-20-00014-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-25-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00018-P	..... exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.
PSC-25-20-00019-P	..... exempt	A Clean Energy Resources Development and Incentives Program.	To identify and develop renewable energy project sites for competitive auction to private developers.
PSC-25-20-00020-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-26-20-00004-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00005-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00006-EP	..... exempt	Emergency financial relief.	To protect the health, safety and general welfare of low-income customers during the summer months.
PSC-26-20-00009-P	..... exempt	Escrow account modification and one-time surcharge.	To determine whether the Company's proposed changes to its Escrow Account and a one time surcharge is in the public interest.
PSC-26-20-00010-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	The waiver should be considered because directory publishing is temporarily not feasible due to the COVID-19 pandemic.
PSC-26-20-00011-P	..... exempt	NYSERDA and Staff whitepaper regarding a clean energy regulatory structure.	To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-27-20-00004-P	..... exempt	Tariff modifications to implement programming changes to National Fuel Gas Distribution Corporation's SAP Billing System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-20-00020-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00021-P	..... exempt	Waiver of tariff provisions.	To ensure just and reasonable rates charged to customers without undue preference.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00023-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-20-00024-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-28-20-00025-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-28-20-00026-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.
PSC-28-20-00027-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-29-20-00007-P	..... exempt	Petition to transfer telephone and cable systems, franchises and assets.	Consider the proposed transfer of telephone and cable systems, franchises and assets.
PSC-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-29-20-00009-P	..... exempt	Niagara Mohawk Power Corporation d/b/a National Grid's economic development programs.	To consider modifications to Niagara Mohawk Power Corporation d/b/a National Grid's economic development assistance programs.
PSC-29-20-00011-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-29-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-20-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-29-20-00014-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-29-20-00015-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-30-20-00006-P	..... exempt	Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-20-00007-P	..... exempt	Tariff modifications to include provisions to enter into negotiated agreements for billing services.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-20-00003-P	..... exempt	Authority to issue and sell promissory notes.	To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes.
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00005-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-31-20-00006-P	..... exempt	Authority to issue and sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to enter into derivative instruments.	To consider RG&E's request for authority to issue and sell Long-Term Indebtedness
PSC-31-20-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00011-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-20-00009-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00010-P	..... exempt	Procurement of Tier 1 RECs.	Management of renewable energy procurements to meet state goals and benefit ratepayers.
PSC-32-20-00011-P	..... exempt	Sale of transmission line and related property rights.	To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-20-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00013-P	..... exempt	Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.	To ensure that the proposed debt financing is within the public interest.
PSC-32-20-00014-P	..... exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.
PSC-32-20-00015-P	..... exempt	Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.
PSC-32-20-00016-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00017-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00003-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-34-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-34-20-00007-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Bethel.
PSC-35-20-00015-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-35-20-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York.
PSC-36-20-00004-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of street lighting facilities is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-36-20-00005-P	..... exempt	The petition relates to the proposed transfer of membership interests in companies providing gas transportation services.	To consider the requested transfer and, if approved, what regulatory conditions should apply.
PSC-36-20-00006-P	..... exempt	A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-37-20-00014-EP	..... exempt	Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on April 1, 2021.	To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.
<b>STATE, DEPARTMENT OF</b>			
DOS-26-20-00008-P	..... 07/01/21	Creation of a cease and desist zone within Kings County	To adopt a cease and desist zone for a designated area within Kings County
DOS-34-20-00003-P	..... 08/26/21	Access to domestic violence and sexual assault awareness education courses	To provide access to domestic violence and sexual assault awareness education courses as mandated by the General Business Law
DOS-37-20-00015-P	..... 09/16/21	Siting of major renewable energy facilities	To establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities
DOS-37-20-00016-P	..... 11/29/21	Siting permits for major renewable energy facilities	To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-53-19-00002-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-28-20-00028-EP	..... 07/15/21	Tuition, Fees and Charges	To authorize the waiver of admission application fees for active-duty military service members and their dependents.
SUN-29-20-00004-EP	..... 07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	..... 07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-37-20-00002-EP	..... 09/16/21	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for current faculty to attain continuing appointment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
SIR-20-20-00003-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-33-20-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period October 1, 2020 through December 31, 2020
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
<b>THOROUGHBRED BREEDING AND DEVELOPMENT FUND</b>			
TBD-34-20-00008-P	08/26/21	Residency requirement for dam of New York bred foal	To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York
<b>THRUWAY AUTHORITY, NEW YORK STATE</b>			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-23-20-00001-P	06/10/21	Submission of medical bills and reports	To allows the single mailing address and format prescribed by the chair for submission of bills and medical reports
WCB-23-20-00002-P	06/10/21	Medical Treatment Guidelines	Repeal carpal tunnel syndrome MTG and replace with hand, wrist, and forearm, and add asthma
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-28-20-00003-EP . . . . .	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REPLACE HVAC SYSTEM Capital District Psychiatric Center Albany, Albany County

Sealed bids for Project No. 45595-H and 45595 E, comprising separate contracts for HVAC Work and Electrical Work, Replace HVAC System, Building 1, Capital District Psychiatric Center, 75 New Scotland Avenue, Albany (Albany County) NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Health, until 2:00 p.m. on Wednesday, September 23rd, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$107,100 for H and \$20,000 for E.).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$4,000,000 and \$5,000,000 for H and \$250,000 and \$ 500,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 1,074 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or

Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

☒ Project commenced design before January 1, 2020. Not subject to provision.

☐ Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work and an overall goal of 8% for MWBE participation, 4% for Minority-Owned Business Enterprises ("MBE") participation and 4% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj*, Deputy Director  
OGS - Design & Construction Group



# MISCELLANEOUS NOTICES/HEARINGS

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## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional services to comply with enacted statutory provisions. The following changes are proposed:

### Institutional Services

The following is a clarification to the April 1, 2020 noticed provision to implement a series of savings proposals related to Indigent Care, the conversion of Upper Payment Limit payments into Medicaid rates and the reduction of hospital inpatient capital rate add-ons by 5 percent and capital reconciliation payments by 10 percent. The fiscals for the Indigent Care proposals, enacted in the SFY 2020 Budget, were clarified in the June 3, 2020 noticed provision. With clarification to the remaining proposals, there is no additional estimated annual change to gross Medicaid expenditures as a result of the conversion of Upper Payment Limit payments into Medicaid rates. Also, the estimated annual net aggregate decrease in gross Medicaid expenditures attributable to the reduction of hospital inpatient capital rate add-ons by 5 percent and capital reconciliation payments by 10 percent contained in the budget for SFY 2020-2021 and SFY 2021-2022 is \$9.9 million per year.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, e-mail: [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE

### New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide international growth equity investment management services for the International Equity Fund ("the Fund") investment option of the Plan. The objective of the Fund is to provide exposure to the broad international equity market. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to NEPC, LLC at the following email address: [acohen@nepc.com](mailto:acohen@nepc.com). Please complete the submission of product information no later than 4:30 P.M. Eastern Time on September 23, 2020.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

## PUBLIC NOTICE

### New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide US small-cap equity value investment management services for the Small Cap Equity Fund ("the Fund") investment option of the Plan. The objective of the Fund is to provide long term growth of capital by investing primarily in the stocks of smaller rapidly growing companies. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to NEPC, LLC at the following email address: [acohen@nepc.com](mailto:acohen@nepc.com). Please complete the submission of product information no later than 4:30 P.M. Eastern Time on September 23, 2020.

Consistent with the policies expressed by the City, proposals from

certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

## PUBLIC NOTICE

Department of State  
F-2020-0392

Date of Issuance – September 16, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0392, Robert Crowe and Erica Attonito are proposing to construct a consisting of 4' x 5' stairs up to a 4' x 35' catwalk; 3' x 12' ramp and 6' x 20' float supported by four 8" diameter piles; catwalk to be supported by 6" piles and to be constructed of non-treated wood using 60% open-grate decking; remove remains of wood bulkhead at 18 Pleasant Avenue, Town of Southampton, Suffolk County, Beaver Dam Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/Crowe-Antonito-ConsistencyCert.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 1, 2020.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2020-0408

Date of Issuance – September 16, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0408, The City of Kingston is proposing the Brickyard Trail, a 1.3-mile shared use path for recreation and transportation. The shared use path will be a segment of the Empire State Trail. Approximately 2,480 linear feet built on existing asphalt surfaces, 3,065 linear feet constructed on existing cleared dirt and gravel drives, and 1,157 linear feet built on new trail corridors, between North and John Streets, City of Kingston, Ulster County, Hudson River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0408BrickyardConsistencyCert.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 9, 2020.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2020-0666 (DA)

Date of Issuance – September 16, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0666, the applicant, the U.S. Army Corps of Engineers New York District, is proposing to deepen the existing 12' deep and 150' wide channel to -17' MLLW and increase the deposition basin width from 50' to 100' wide and deepening it to -17' MLLW. All dredged material would then be placed west of the inlet on the downdrift beach, as has been done in the past. The stated purpose of the project is to deepen and widen an existing Federal channel and identify a dredged material replacement site.

The applicant's consistency determination and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0666\(DA\).pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0666(DA).pdf)

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Town of East Hampton Local Waterfront Revitalization Program: <https://www.dos.ny.gov/opd/programs/lwrp.html>

Additional public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 1, 2020.

*Comments should be addressed to:* Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2020-0672

Date of Issuance – September 16, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.



The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0672, Umberto Arpaia is proposing to construct a 6'x 4' knee dock, 3'x15' gangway attached to a 8'x 20' floating dock. Also, proposed is a 8'x18' 2-pile boat life and a 12.5'x 12' 2-pile personal watercraft lift. The project is located on Bellmore Creek at 3063 Judith Drive, Bellmore, NY 11710, Nassau County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0672Arpaia.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or October 16, 2020.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0387 Matter of JW Consulting, Tracey Schleske, PO Box 674, Coram, NY 11727, for a variance concerning safety requirements, including the height under a girder, involved is an existing one family dwelling located at 71 Robinson Ave., Medford, Town of Brookhaven, NY 11763, County of Suffolk, State of New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0388 Matter of Andrew Rejniak, 131 Greene St., New York, NY 10012, for a variance concerning safety requirements, including a required sprinkler system, ceiling height required stair dimensions and clearances. Involved is an existing one-family dwelling 37 North Menantic Road, Shelter Island, Town of Shelter Island, NY 11964, County of Suffolk, State of New York.



# EXECUTIVE ORDERS

## **Executive Order No. 198.9: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.**

WHEREAS, pursuant to Executive Order 198, a disaster has heretofore been declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission has identified high-priority projects that are urgently needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue the declaration of the State Disaster Emergency effective November 20, 2019, as set forth in Executive Order 198, within the territorial boundaries of the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne. The provisions set forth in Executive Order 198 and this Executive Order shall continue and remain in effect until February 26, 2021; and

FURTHER, pursuant to Section 29-a of Article 2-B of the Executive Law, I also hereby continue all of the temporary suspensions or modification of any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, to include all suspensions and modifications, terms, conditions, directives, and temporary suspension of identified provisions from the date that such disaster emergency as was declared and identified in Executive Order No. 198, *et. seq.*, in their entirety until September 26, 2020.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of August in the year two thousand twenty.

BY THE GOVERNOR

/s/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

## **Executive Order No. 202.57: Continuing Temporary Suspension**

## **and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law and any directives not superseded by a subsequent order contained in Executive Order 202.53, which includes continuation of certain suspensions, modifications and directives contained in Executive Order 202.22 through 202.26, 202.32, 202.33, 202.34, 202.35, 202.44, and 202.45, through September 19, 2020, except the following:

- Section 28-66 of the Charter of the City of Buffalo;
- Any extension of the period for paying property taxes without interest or penalties pursuant to Real Property Tax Law Section 925-a is no longer in effect.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives through September 19, 2020:

- The directive contained in Executive Order 202.5, as extended, that required closure to the public of all places of public amusement, is hereby modified only insofar as to allow bowling alleys to open as of August 17, 2020 subject to adherence to Department of Health issued guidance.
- The directive contained in Executive Order 202.3, as extended, that required any gym, fitness center or classes, to cease operation, is hereby modified only insofar as to allow a gym, fitness center or class, to operate subject to adherence to Department of Health issued guidance; and provided further, that such operations may begin no earlier than August 24, 2020, or may be postponed by the local chief executive only consistent with Department of Health issued guidance.
- The directive contained in Executive Order 202.48, which modified the directive in Executive Order in 202.28 that prohibited the initiation of a proceeding or enforcement of an eviction of any commercial tenant for nonpayment of rent or a foreclosure of any commercial mortgage for nonpayment of such mortgage is continued through September 20, 2020.
- The directive contained in Executive Order 202.53 that allowed the New York City region to enter Phase 4 of the State's reopening is hereby modified to allow for low-risk indoor arts and cultural activities to open, as of August 24, 2020, subject to adherence to the Department of Health issued guidance.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentieth of August in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

**Executive Order No. 202.58: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

WHEREAS, the expectation is that community contact transmission could increase this fall; and

WHEREAS, the need to ensure the safety and security of the electoral process is paramount, and voters must have confidence that they can cast their ballot and have it be counted in a manner of their choosing based on the relevant state laws; and

WHEREAS, these suspensions and modifications are intended to ensure that all voters have the opportunity to vote statewide;

NOW THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby suspend or modify the following through September 23, 2020:

- Sections 15-120 and 15-122 of the Election Law, Sections 2018-a and 2018-b of the Education Law, and Section 84-a of the Town Law, as well as any provision of law related to a special district election taking place prior to November 3, 2020, and not administered by the County Board of Elections to the extent necessary to include the potential for contraction of the COVID-19 virus as an illness for purposes of request or receipt of an absentee ballot;
- Section 8-400 and any provision of Article 9 of the Election Law, in order to provide that every voter that is in active and inactive status and is eligible to vote in any election on or before November 3, 2020, may be able to request an absentee ballot via phone or internet or electronically; and if such voter requests an absentee ballot, such voter shall be sent an absentee ballot, provided however each voter shall not be sent more than one ballot pursuant to a phone request, and shall not be required to complete an application either prior to or simultaneously to receiving the ballot. Further, the board of elections receiving the telephone request shall maintain a record of such telephone request for an absentee ballot, and may complete the absentee ballot application as such record on behalf of the voter requesting the absentee ballot, provided that no ballot shall be deemed invalid for lack of a complete absentee ballot application for any reason;
- Section 9-209(3) of the Election Law related to curing deficiencies in absentee ballots is modified to the extent necessary to require that a board of elections shall provide a five day cure period for any eligible deficiency instead of seven if such absentee ballot is received after November 3, 2020; and further modified to require that a board of election shall first notify any voter of any eligible deficiency within 24 hours of identifying the deficiency by phone or email, if available and shall only mail such notification to the voter if notice to the voter by phone or email is not possible; and
- Article 16 of the Election Law is modified to the extent necessary to provide that no cause of action shall be maintained against a

board of elections if, for the general election taking place on November 3, 2020, notice is not able to be made within the time period set forth in section 9-209(3) after a good faith effort, and through no fault of the board of elections.

- Sections 103 and 104-b of the General Municipal Law, to the extent necessary to allow a board of elections to procure and provide absentee ballot applications, absentee ballots, envelopes, mail notification cards pursuant to this executive order, or any other means of transmitting an absentee ballot application or absentee ballot to voters in accordance with the timeframes set forth in Executive Order 202 or any subsequent Executive Order;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives through September 23, 2020:

- All county Boards of Elections and the City of New York Board of Elections shall send an informational mailing to every registered voter by September 8, 2020, containing the following information:
  - o The dates, hours, and locations for early voting in such voter's county, including the early voting location for which the voter is assigned, if applicable.
  - o Information regarding how to apply for an absentee ballot, including the opportunity to apply online or by phone, and including the deadline for requesting an absentee ballot.
  - o Information regarding the date and hours for the November 3, 2020 general election, and the voter's election day polling place location.
  - o Information regarding how the voter can look up their registration status.
  - o An explicit reminder or communication of the opportunities to vote prior to Election Day, including application for an absentee ballot and early voting options.
  - o Expected mail times, if a voter chooses to request an absentee ballot.
- All county Boards of Elections and the City of New York Board of Elections must submit staffing plans and any staffing needs for early voting and election day poll site operations, as well as post-election canvass of results, to the state Board of Elections no later than September 20, 2020, to provide adequate time for the state Board of Elections to assist as feasible.
- All county Boards of Elections and the City of New York Board of Elections shall take all steps possible to count ballots as soon as possible, including reviewing absentee or military ballot envelopes prior to Election Day to ensure efficient and timely canvassing of ballots, including establishing objections by the Board to ballot envelopes prior to Election Day, any reporting of affidavit ballots by counties to the state board to compare against absentee ballots must be completed 48 hours after the election.
- The State Board of Elections must develop a uniform envelope for absentee ballots for use by local Boards of Elections by September 8, 2020. Such envelope shall establish where a voter must sign to be valid. All local county Boards of Elections and the City of New York Board of Elections must use such uniform envelope for absentee ballots developed by the State Board of Elections.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fourth of August in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor